

Blue Ridge Environmental Defense League

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Via Email & Mail

June 18, 2018

US Environmental Protection Agency
Office of General Counsel
External Civil Rights Compliance Office (ECRCO)
Mail Code 1201A
1200 Pennsylvania Avenue, NW
Washington, DC 20460
[Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)

Re: Title VI Environmental Justice Complaint against the Virginia Department of
Environmental Quality

To Whom It May Concern:

The External Civil Rights Compliance Office (ECRCO), within the Office of General Counsel is responsible for enforcing several civil rights laws which, together, prohibit discrimination on the basis of:

- race, color, or national origin (including on the basis of limited-English proficiency)
- sex
- disability
- age

by applicants for and recipients of federal financial assistance from EPA. (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, respectively.)

It is the duty of ECRCO to ensure that any entity that receives EPA funds comply with federal non-discrimination laws. ECRCO is the EPA program office designed

to ensure that recipients of EPA financial assistance and others comply with the relevant non-discrimination requirements under federal law. If a complaint of discrimination is filed with ECRCO against a program receiving EPA funding, ECRCO processes it.

Based on the above stated responsibilities of ECRCO and pursuant to Title VI of the Civil Rights Act of 1964, 42 USC, Part 2000d, now comes Blue Ridge Environmental Defense League (BREDL) and its chapters, Protect Our Water, Concern for the New Generation, No ACP, collectively the “Environmental Justice Groups”, with a complaint against the Virginia Department of Environmental Quality (VADEQ) for discriminatory actions the agency has taken in issuing permits for the proposed Atlantic Coast Pipeline (ACP).

The Environmental Justice Groups allege the VADEQ discriminated on the basis of race in issuing permits and certifications to the ACP as part of the permitting process, and by deferring its permitting obligations to other federal agencies, i.e., the Army Corps of Engineers. The failure of the VADEQ to conduct an environmental justice analysis and assess those environmental justice impacts of the proposed ACP on communities of color along the route led to the improper actions taken by its Water Compliance and Permitting Division, Air Compliance and Permitting Division, and its citizen advisory board, the State Water Control Board (collectively the “State Agencies”). We are filing this complaint within the 180-day requirement based on the issuance of a *conditional* 401 Water Certification which as of today has not yet met all the conditions imposed by the State Water Control Board.

As part of this complaint, the Environmental Justice Groups request a prompt and complete investigation of their allegations by the General Counsel and the External Civil Rights Compliance Office (ECRCO) pursuant to 40 CFR, Pt. 7.120, including a public hearing on the matter in Virginia.

BACKGROUND

On September 18, 2015, the ACP, LLC, a Delaware limited liability corporation, filed an application under section 7(c) of the Natural Gas Act, requesting authorization to construct, own and operate the ACP, including three compressor

stations and at least 564 miles of pipeline across West Virginia, Virginia and North Carolina. The purpose of the proposed ACP is to deliver up to 1.5 billion cubic feet per day of fracked natural gas to customers in Virginia and North Carolina. Those “customers” are subsidiaries of the companies which are partners in the proposed ACP, LLC.

The Federal Energy Regulatory Commission (FERC) has the authority under Section 7 of the Interstate Natural Gas Pipelines and Storage Facilities Act (NGA) to issue a certificate to construct a natural gas pipeline. As described in the Commission guidance manuals, environmental documents are required to describe the purpose and commercial need for the project, the transportation rate to be charged to customers, proposed project facilities and how the company will comply with all applicable regulatory requirements.

As part of its review process, FERC prepares environmental documents, and in this case Draft and Final Environmental Impact Statements (EIS) were prepared and released. The draft EIS (DEIS) was released December 30, 2016. The final EIS (FEIS) was released July 21, 2017. On October 13, 2017, FERC granted a conditional certificate for the ACP, with the most significant conditions based on subsequent actions by State agencies.¹

The certificate issued by FERC is not final, in that FERC has not ruled on pending motions for rehearing—a necessary step to judicial review—by several parties.

While FERC was conducting its certificate process, the State agencies received and began their reviews of applications from the ACP for various certifications and permits.² The review and permitting process has extended through two Virginia Gubernatorial administrations. In 2014, Virginia’s previous Governor Terrence McAuliffe stood beside Dominion CEO Tom Farrell as he announced the proposed Atlantic Coast Pipeline. McAuliffe called it a “game changer” and an “energy superhighway” which would transform the manufacturing industry in Virginia. The current Governor Ralph Northam was McAuliffe’s Lt. Governor. During his campaign for Governor, Northam repeatedly referenced a letter he sent to the VADEQ asking for site-specific analysis to be completed by the VADEQ on both

¹ FERC Order Issuing Certificates, October 13, 2017. Available at: www.documentcloud.org/documents/4108369-FERC-ACP-Order.html

² The applications and permits are available at:
<http://deq.state.va.us/Portals/0/DEQ/Water/Pipelines/ACPCertificate122017.pdf>

proposed pipelines in Virginia.³ The letter also asked that the project be held to the highest scientific, and environmental regulations during the permitting process.

VADEQ spokesman, Bill Hayden, made comments on April 6, 2017 to the press and thereby to the public, stating the VADEQ would do its own stream-by-stream analysis of all water and wetland crossings in Virginia.⁴ Unknown to the public, on April 7, 2017, the VADEQ issued a request to the US Army Corp of Engineers (ACE) to permit the ACP through its Nationwide Permit 12. The VADEQ allowed the original statements made by Haden on April 6, 2017, and articles published based on those statements to stand for six weeks until the press then published articles correcting VADEQ's earlier "misstatements."⁵

The public was made aware through those articles that VADEQ would segment its approval processes for 401 water certification by instituting a 401 water certification of its own for the "upland areas" of the ACP... "upland" meaning the mountainous regions. The ACE was asked to permit all waterbody and wetland crossings for the proposed ACP through its NWP12 permit. The VADEQ would further segment the review process by separating the Erosion & Control and Storm Water Management planning processes from the 401 certification. The public hearings on the VADEQ's 401 upland water certification were announced in July 2017 before the Storm Water and Erosion and Sediment Control Plans were even submitted to the VADEQ. Those hearings held by the State Water Control Board were held in August, 2017...still without opportunity for the public to review the E&S and Storm Water Management Plans.

The Army Corps of Engineers issued the NWP 12 permit for the ACP on February 9, 2018. With approval of the State Water Control Board, the VADEQ issued a conditional 401 water certification for upland areas on December 20, 2017. However, the SWCB, at its April 12, 2018 meeting, directed the VADEQ to open a 30-day comment period seeking public input regarding the appropriateness of the ACE Nationwide Permit 12's as the best permitting process for the ACP in Virginia.

³ May also be found here: http://appvoices.org/images/uploads/2018/04/Northam_to-DEQ-letter_02.14.17-1.pdf

⁴ http://www.richmond.com/business/virginia-department-of-environmental-quality-denies-backpedaling-on-pipeline-water/article_a3ea4db1-8c62-5c6a-ab2e-e076605f5c63.html

⁵ https://www.washingtonpost.com/local/virginia-politics/as-gas-pipelines-roil-virginia-governors-race-regulators-backtrack-on-their-role/2017/05/25/4bdb03e6-4160-11e7-8c25-44d09ff5a4a8_story.html?noredirect=on&utm_term=.77acba6b60ce

The VADEQ Air Compliance and Permitting Division has yet to issue a draft air quality permit for the ACP's Virginia compressor station sited for the historic Union Hill/Woods Corner community of Buckingham County, VA. Union Hill is a community which was settled by freedmen and whose population today is mostly African American. Additionally, 30 percent of its residents are descendants of those freedmen who settled the community.

1. The VADEQ Water Compliance and Permitting Division issued a 401 Water Quality Certification for "upland areas" of Virginia on December 20, 2017. As a part of the Virginia's 401 certification, and at the request of VADEQ, The Army Corps of Engineers issued a NWP 12 permit on February 9, 2018.
2. The VADEQ has not yet approved Erosion and Sediment Control Plans, nor Storm Water Management Plans for the proposed ACP.
3. The VADEQ's Air Compliance and Permitting Division has not yet issued an Air Permit for the proposed ACP's Buckingham compressor station.
4. The SWCB directed the VADEQ to open an additional 30-day comment period on the feasibility of the NWP12 permitting to be the best permitting process available on April 12, 2018. That comment period has now been extended to June 15, 2018 because the VADEQ website was down for an extended period in May 2018.
5. The State Agencies have not conducted an Environmental Justice analysis of the proposed Atlantic Coast Pipeline as required under Title VI of the Civil Rights Act, or under Virginia's own statutes.⁶

It should be noted that a Memorandum of Understanding (MOU) between the proposed ACP and prior Virginia Governor Terence McAuliffe for \$57.85 million was negotiated in secret and not released to the public until after a similar agreement was made public in North Carolina in January 2018.⁷ The MOU pays for mitigation for damages to Virginia's forests and waters. The payments are slated to go to entities outside of the path of the proposed ACP, not directly affected communities. The MOU was signed December 28, 2017...eight days after the VADEQ issued its conditional 401 water certification.

⁶ Email from VADEQ spokesperson, Ann Regn, dated June 14, 2018.

⁷ The Mitigation Agreement between the ACP and Governor Terry McAuliffe, <https://s3.amazonaws.com/carolinajournal.com/app/uploads/2018/01/30154905/VA-ACP-Mitigation-Agreement-Dec-28-2017.pdf>

THE PUBLIC INTEREST GROUPS

The Environmental Justice Groups are not-for-profit corporations acting in the public interest and community groups organized to protect the families and property of their members. The Environmental Justice Groups have members adjacent to or in close proximity to the proposed ACP corridor and blast zone. Many of the members of the Environmental Justice Groups are African-American and/or disadvantaged communities who will face disproportionate impacts of the proposed ACP.

Blue Ridge Environmental Defense League (BREDL) is a regional environmental and social justice organization with at least two chapters with members on the path or adjacent to the compressor station of the proposed ACP. The chapters are: Concern for the New Generation, a mostly African American community group which surrounds the compressor station site for the proposed ACP in Buckingham County, VA; Protect Our Water, a community group in Nelson County, VA; and No ACP, a community group in Richmond, VA.

The Environmental Justice Groups and their members will be significantly affected and aggrieved by the proposed ACP. Many of the economic concerns and environmental impacts affecting the Environmental Justice Groups and their members, and especially those in communities of color, have not been taken into consideration by FERC in its conditional issuance of the Certificate or by the State agencies which failed to complete any environmental justice analysis at all.

The Environmental Justice Groups allege, among other issues, that FERC and the State agencies failed to assess the impacts on families and communities along the route of the environmental and health impacts from the construction and operation of the pipeline, and its cumulative impacts, including the worsening of the climate crisis. The increased usage of fracked gas has aggravated the effects of climate change and the most vulnerable communities along the proposed ACP route are in many cases the same communities being most harmfully impacted by climate change. A study, published in The Journal of Environmental Health and Science, states, "The emissions that occur within several miles of residences (sometimes less than 500 feet) pose challenges for health care providers seeing patients from these areas. Health care providers as well as themselves have very

little information on the contents of unconventional natural gas development (UNGD) emissions and the concentration of toxics that could be reaching people where they live or work. Currently patients go to physicians with health concerns but are unable to identify chemical or particulate exposures, if they exist. Physicians unfortunately often find themselves with similarly imprecise exposure conceptualizations. Guidance provided by public agencies is often insufficient to protect the health of individuals, yet, there is an increasing amount of data collected on UNGD emissions; and there is existing research on the toxicological and clinical effects of some substances emitted by UNGD activities.”⁸ An article in Scientific American states, “The generally accepted climate benefit of natural gas is that it emits about half as much CO₂ as coal per kilowatt-hour generated. But this measure of climate impact applies only to combustion, it does not include methane leaks, which can dramatically alter the equation. Methane is a potent greenhouse gas that forces about 80 times more global warming than carbon dioxide in its first 20 years in the atmosphere. Methane’s warming power declines to roughly 30 times CO₂ after about 100 years.”⁹ A peer-reviewed study released by the Environmental Defense Fund measuring leaking methane from both conventional and fracked natural gas wells in Pennsylvania indicates the EPA’s estimates are woefully inaccurate. The study shows that older conventional wells leak at rate of 23%, and even though there are many more conventional wells, they produce less gas. While the leak rate for the fracked gas wells is considerably smaller at 0.3 percent, their output is so much larger than conventional wells, the fracked gas wells leak nearly as much as the old conventional wells. The study “calculated that fracked wells spewed about 253,500 tons of methane in 2015, and conventional wells, 268,900 tons.”¹⁰

We also know that the gas transmission and delivery systems leak. The EPA estimates the pipeline systems in the US leak at a rate of 1.3 percent, though recent studies believe the figure to be between 3 to 4 percent. All this leaking methane causes additional health concerns for those unfortunate enough to live along the routes of pipelines and compressor stations and in communities where drilling occurs.

⁸ David R. Brown, Celia Lewis & Beth I. Weinberger (2015) Human exposure to unconventional natural gas development: A public health demonstration of periodic high exposure to chemical mixtures in ambient air, *Journal of Environmental Science and Health, Part A*, 50:5, 460-472, DOI: 10.1080/10934529.2015.992663

⁹ <https://www.scientificamerican.com/article/methane-leak-rate-proves-key-to-climate-change-goals/>

¹⁰ <https://insideclimatenews.org/news/16022018/methane-leaks-oil-natural-gas-data-global-warming-pennsylvania-edf-study>

Segmentation of the leaks from natural gas energy infrastructure suits no purpose other than to allow industry to ignore the part they play in global warming. It also offers the industry cover for the detrimental health affects to the environmental justice communities forced to host these toxic, polluting facilities in their communities against their will.

Several of the Environmental Justice Groups brought concerns about the impacts on communities of color to FERC in its hearing process and additionally submitted comments and testimony to the State agencies on the permits. The Environmental Justice Groups and their members attended numerous hearings and public meetings on issues related to the ACP and submitted comments on the proposed permits to the agencies. In addition, some of the Environmental Justice Groups held their own public hearings, paying for court reporters, and submitting those comments to the State Agencies because no public hearings were held in their communities. For example, neither the FERC, VADEQ, nor the State Water Control Board ever held a public hearing or meeting in Buckingham County, the site for the 57,000 horsepower compressor station for the proposed ACP in Virginia.

Three public hearings were held by the SWCB and VADEQ for its “Upland” 401 water certification which required most citizens to travel more than one (1) hour. The hearings were held in: 1) Harrisonburg, VA (30-plus miles outside of the closest directly-affected community along the proposed ACP route); 2) Farmville, VA (while in Prince Edward County, Farmville is not along the route) and 3) Alberta, VA. Additionally, specific time periods were set for these public hearings and there were many people signed up to speak who were turned away because the State Agencies had not rented the venues for a period long enough to hear all those wishing to make comments.

The State Water Control Board held two days of hearings in Richmond, VA regarding the 401 certification for the proposed ACP in December 2017. The first day was for presentations by the VADEQ and public comment. Public comment went well into the night with many speakers leaving before their names were called. A remark of particular interest to members of the community occurred when the Director of the VADEQ Water Compliance and Permitting Division, Melanie Davenport, said she and the VADEQ had been working with the industry

to approve the permits for over 2 years, clearly indicating a bias toward industry. At this point in the process, the VADEQ had failed to complete many of the studies, analysis and reports needed for approval of the proposed ACP to include: an environmental justice analysis; the karst dye test studies ; the E&S and Storm Water Management Plans . It was estimated they would not be ready for approval until March 2018. To our knowledge, those plans have not been approved as of this time. Anti-degradation studies, nor sediment load studies were ever completed to our knowledge. Finally, the VADEQ did not complete an environmental justice analysis ever.

Through a series of FOIA requests from the Dominion Pipeline Monitoring Coalition and responses by the VADEQ to those requests, the Dominion Pipeline Monitoring Coalition (DPMC) released a report, “The agency has no records...DEQ’s Failure to Use Sound Science to Protect Virginians from Pipeline Threats” on June 5, 2018.¹¹ The questions asked by DPMC concerned the scientific processes the VADEQ used in its review and recommendation to the SWCB to approve the 401 water certifications for both the ACP and MVP. The answers to the questions were consistently: “The DEQ has no records....”.

Therefore, in addition to the environmental justice concerns, the Environmental Justice Groups allege the procedures for the issuance of the permits sub judice were not fair and impartial, but instead were biased in favor of industry.

Many of the members of the Environmental Justice Groups live in rural communities which depend on wells and/or springs as their water sources. The construction and operation of the proposed ACP could adversely affect the members of the Environmental Justice Groups water sources through sedimentation, or redirection of ground water sources by the blasting necessary to construct the proposed ACP and/or by the damming effect a 42” pipe buried in the ground could cause. These damages to private wells, cisterns and springs may not be immediately recognized. For example, a reduction in the refill rate of a well, or into a year-round spring could cause it to operate normally during the fall, winter and spring, but become dry in the summer. The Virginia Department of Health advised FERC and VADEQ that a study mapping every well, spring and cistern within 1,000 feet of the centerline of the proposed ACP be completed

¹¹ May be found here: <http://pipelineupdate.org/wp-content/uploads/2018/06/The-Agency-has-no-records.pdf>

prior to construction.¹² (Attached) This was not done. Instead the VADEQ added a condition to its upland 401 water certification that wells, springs and cisterns within 1,000 feet of the pipeline should be mapped in areas with karst terrain. This result leaves families without protection...most of whom live in the counties with environmental justice communities. Further, it is our assertion that the MOU negotiated by previous Governor McAuliffe releases the proposed ACP LLC from damages caused by construction of the proposed ACP to the wells of families along and/or adjoining the path of the ACP and/or its compressor stations. If these wells and/or springs are contaminated, most rural localities do not have municipal water systems for the communities to fall back on, and even if they were available, most of the community members of the Environmental Justice Groups do not have the wherewithal to pay connection fees and monthly water bills.

For those families who have access to municipal water systems, those systems are also being threatened by drilling under water reservoirs and river crossings in source water assessment areas used for municipal water supplies. A study completed by Downstream Strategies, "Threats to Water Quality from the Mountain Valley and Atlantic Coast Pipeline Water Crossings in Virginia,"¹³ outlines environmental justice threats to several water crossings in Virginia. We include three of those communities here: 1) In Suffolk County, VA, the proposed ACP will use horizontal directional drilling to construct the ACP under two reservoirs. These reservoirs, while located in Suffolk, are owned by the city of Norfolk and are used to provide clean drinking water to its residents. Additionally, the ACP would make 11 crossings of streams and tributaries in the source water assessment area for these reservoirs. Norfolk is a majority minority community with 50.9 percent of the city being other than white.

2) The City of Emporia, located in Greensville County, gets its municipal water from a 220-acre reservoir supplied by the Meherrin River. The reservoir has been categorized by the VDH to be highly susceptible to contamination. The proposed ACP will cross streams and tributaries of the source water for the Meherrin River 16 times. The crossing of the Meherrin River, itself, is upstream from the

¹² Memo, Virginia Department of Health Office of Environmental Services Dwayne Roadcap

¹³ "Threats to Water Quality from the Mountain Valley Pipeline and Atlantic Coast Pipeline Water Crossings in Virginia," Downstream Strategies, February 2018, by Evan Hansen, Jason Clingerman & Meghan Betcher

reservoir and exacerbates contamination concerns. Emporia is an environmental justice community with approximately 5,300 residents, 70.9 percent of whom are African American. The poverty rate for Emporia is 43 percent. Greenville County has an African American population of 59.5 percent and a poverty level of 25.4 percent.

3) The city of Franklin and surrounding communities in Southampton and Suffolk Counties get their drinking water from the Potomac Aquifer. Studies show that the Potomac Aquifer cannot meet the need for current and future users for drinking water in these communities. VADEQ has concerns of salt water intrusion into the aquifer.¹⁴ It has limited the amount large users can withdraw from the Potomac Aquifer and all those users have new permits with the exception of the city of Franklin, which has appealed.¹⁵ The ACP would cross 33 streams within two miles of the city of Franklin. Twenty-three (23) of which are in areas dominated by African Americans with a population above 70 percent who get their water from private wells. There is also a planned horizontal direction drilling crossing planned for the Blackwater River which could also affect ground water resources in the area. We assert further jeopardizing the water resources of these communities by construction of the ACP is foolhardy at best. Southampton County has a 35.4 percent African American population, while Suffolk County's is 42.6%. We agree clean water is a necessity for all, but we believe the evidence presented herein indicates vulnerable environmental justice communities will be disproportionately affected.

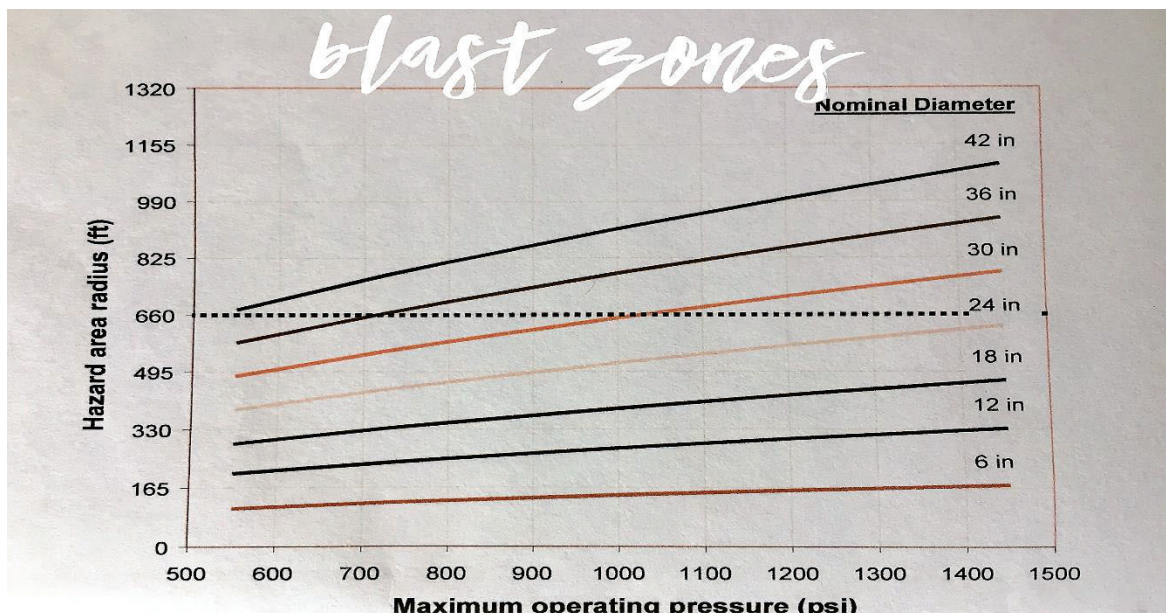
The members of the Environmental Justice Groups allege that the permit decisions would have a significant and adverse impact on the health and well-being of the members of their communities. The siting of the compressor station in the center of historic Union Hill, Buckingham County, VA, a community settled by freedmen with descendants of those freed slaves still living there today, puts a mostly poor, African-American community at a disproportionate risk for increased health issues from the toxic emissions from the compressor station as well as the noise emissions which cause many health concerns. This community will be

¹⁴http://www.deq.virginia.gov/Portals/0/DEQ/Water/WaterSupplyPlanning/EVGWAC/GW%20Issue%20Presentation_08%2018%202015.pdf

¹⁵ http://www.fredericksburg.com/news/environment/virginia-tightens-spigot-on-big-water-users-to-stem-potomac/article_46dcc766-36f9-5687-a60f-651f97bd6596.html

directly affected by the emissions caused by the planned or unplanned releases and blow-downs. The noise and pollutants emitted from these blow-downs will affect the enjoyment of their property, the value of their property and other economic interests.

Many of the families along the route of the proposed ACP are having their property taken through eminent domain. Though FERC's permit is conditional, it is approving incremental construction of the proposed ACP where permits have been received and landowners have signed easements. For those fighting these easements in the courts, the courts have been, in most cases, allowing immediate access to properties without compensation. Some of the Environmental Justice Groups' members are part of what is commonly referred to as "heired" property. "Heired" property are properties which were at one time owned by an ancestor with no will, and now the descendants of that ancestor own the property together with other heirs who may live all over the country. This puts those landowners at a disproportionate disadvantage in presenting their cases before the courts for receiving just and fair compensation for their interests in these "heired" properties. Additionally, families who live well within blast and evacuation zones, and in the vicinity of compressor stations receive no



compensation or even notification because they do not own land needed by the company to construct the pipeline or compressor station. We have included two charts—a blast zone chart¹⁶ and evacuation zone chart.¹⁷

Recommended Minimum Evacuation Distances For Natural Gas Pipeline Leaks and Ruptures

(Not applicable for Butane, Propane, or other Hazardous Liquids)

		Pipeline Size (Inches)											
		4	6	8	10	12	16	20	22	24	30	36	42
Pressure (psig)	100	91	137	182	228	274	365	456	502	547	684	821	958
	200	129	193	258	322	387	516	645	709	774	967	1161	1354
	300	158	237	316	395	474	632	790	869	948	1185	1422	1659
	400	182	274	365	456	547	730	912	1003	1094	1368	1642	1915
	500	204	306	408	510	612	816	1020	1122	1224	1529	1835	2141
	600	223	335	447	558	670	894	1117	1229	1340	1675	2011	2346
	700	241	362	483	603	724	965	1206	1327	1448	1810	2172	2534
	800	258	387	516	645	774	1032	1290	1419	1548	1935	2322	2709
	900	274	410	547	684	821	1094	1368	1505	1642	2052	2462	2873
	1000	288	433	577	721	865	1154	1442	1586	1730	2163	2596	3028
	1100	302	454	605	756	907	1210	1512	1664	1815	2269	2722	3176
	1200	316	474	632	790	948	1264	1580	1738	1896	2369	2843	3317
	1300	329	493	658	822	986	1315	1644	1809	1973	2466	2959	3453
1400	341	512	682	853	1024	1365	1706	1877	2047	2559	3071	3583	
1500	353	530	706	883	1060	1413	1766	1943	2119	2649	3179	3709	
1600	365	547	730	912	1094	1459	1824	2006	2189	2736	3283	3830	
1700	376	564	752	940	1128	1504	1880	2068	2256	2820	3384	3948	
1800	387	580	774	967	1161	1548	1935	2128	2322	2902	3482	4063	
1900	398	596	795	994	1193	1590	1988	2186	2385	2981	3578	4174	
2000	408	612	816	1020	1224	1631	2039	2243	2447	3059	3671	4283	
2100	418	627	836	1045	1254	1672	2090	2299	2508	3134	3761	4388	
2200	428	642	856	1069	1283	1711	2139	2353	2567	3208	3850	4492	

Table 1 – Evacuation Distance in Feet

The applicable leak or rupture condition is that of a sustained trench fire fueled by non-toxic natural gas escaping from two full bore pipe ends. Blast overpressure is not addressed. The distances shown in Table 1 are intended to provide protection from burn injury and correspond to a thermal heat flux exposure level of 450 Btu/hr ft². This is the accepted limit of heat exposure for unprotected outdoor areas where people congregate; as established by the US Department of Housing & Urban Development Code 24CFR51, Subpart C, Siting of HUD Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature. The formula used to calculate distance was taken from the Gas Research Institute Report GRI-00/0189, A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines, 2001, prepared by C-FER Technologies. The formula is: square root of pressure x nominal pipe size x 2.28. That model does not take into account wind or other factors which may greatly influence specific conditions. Users are advised that the distances shown in Table 1 are considered to be "general information" only and are not intended to replace a site specific risk analysis. The Pipeline Association for Public Awareness makes no warranty with respect to the usefulness of this information and assumes no liability for any and all damages resulting from its use. Anyone using this information does so at their own risk.

¹⁶ A MODEL FOR SIZING HIGH CONSEQUENCE AREAS ASSOCIATED WITH NATURAL GAS PIPELINES Mark J. Stephens, C-FER Technologies, Edmonton, Alberta T6N 1H

¹⁷ <https://pipelineawareness.org/media/1092/2017-pipeline-emergency-response-guidelines.pdf>

Finally, the Environmental Justice Groups living in rural communities are faced with unequal protection because construction standards are lowered by the class system instituted by the Pipeline & Hazardous Materials Safety Administration's (PHMSA) construction rules.¹⁸ (Attached) These rules incentivize industry to build in disadvantaged communities of poverty and color because land is cheaper, and construction costs are less expensive. For example, in Class 1, the wall thickness of the pipe can be 75 percent less than in suburban and urban areas. Instead of shut off valves being required every 5 miles, rural communities must deal with valves being 20 miles apart. Even after construction is completed, maintenance and pipeline inspections are less frequent. The pipeline companies work hard to site these toxic, polluting industrial facilities in rural, agricultural communities which have less than 10 homes per mile to take advantage of rules which ultimately discriminate against people of color and disadvantaged communities. Lastly, though not an enforceable regulation, PHMSA strongly suggests to localities which are forced to host pipelines, that they should create a 660 foot zone on either side of the pipeline which cannot be developed for safety reasons. We must ask then, why are there no construction set back requirements forcing pipeline developers from encroaching on existing homes and businesses?

BASIS FOR COMPLAINT

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating on the basis of race, color or national origin in their programs or activities. In this matter, the Environmental Justice Groups allege the State agencies discriminated on the basis of race and color because they failed to assess the disproportionate impacts of the proposed ACP on communities of color.

The State Agencies receive financial assistance from the US Environmental Protection Agency (EPA). The Governor of Virginia's recently approved budget, indicates the State Agencies received approximately \$51,509,235.00 from the EPA.

¹⁸ Also available here: http://www.bredl.org/pdf5/Unequal_Protection_Fact_Sheet.pdf

The State Agencies have received similar financial assistance from EPA over the past several years.

Because of the financial assistance from EPA, the State Agencies are required to comply with relevant civil rights law, including Title VI. In her letter of January 18, 2017, to the State Agencies, Lilian S. Dorka, ECRCO Director, presented the US EPA's External Civil Rights Compliance Office Toolkit, which is a clarification of existing law and policy intended to provide guidance to promote and support EPA recipients' compliance with federal civil rights laws.¹⁹

ALLEGATIONS OF DISCRIMINATION

In issuing their permits, The State agencies admit they did not address sociological, cultural, historical and demographic issues in order to assess discrimination based on race and color pursuant to Title VI. The Environmental Justice Groups herein use the term "environmental justice" as a shorthand for this discrimination., i.e., a determination of whether the actions would have a disproportionate impact on African American, Native American and other people of color along the proposed route of the ACP.

The ACP conducted a flawed environmental justice analysis in its application process. FERC also failed to conduct a sufficient analysis of its own before issuing its order. These failures are especially troublesome in that the State Agencies have their own Environmental Equity laws. The Virginia General Assembly's intent in passing the underlying statute clearly states its purpose as, *inter alia*, protecting family life and public health in residential areas. VAC 15.2 §2200.

People from Union Hill, Union Grove and many other communities spoke at public hearings and public comment sessions, providing the County, and thereby the Commonwealth, detailed justification for rejecting the application by Atlantic Coast Pipeline, LLC for a Special Use Permit for its proposed compressor station in Buckingham County, VA.²⁰

¹⁹ www.epa.gov/sites/production/files/2017-01

²⁰ For example, detailed comments from Sharon Ponton during the public hearing stated, "The Planning Commission must deny the Special Use Permit application for the compressor station because the Atlantic Coast Pipeline, LLC is not a utility. Therefore, it does not qualify for the public utility exception in the County's A-1 Zone."

Virginia law governing energy development articulates support for environmental justice and equitable development. One of the stated objectives in Commonwealth Energy Policy is “developing energy resources and facilities in a manner that does not impose a disproportionate adverse impact on economically disadvantaged or minority communities.” VAC § 67-101 (12). Further, it states that “To achieve the objectives enumerated in § [67-101](#), it shall be the policy of the Commonwealth to [e]nsure that development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on economically disadvantaged or minority communities.” VAC § 67-102 (A)(11).

During proceedings leading to the approval of a Special Use Permit for the compressor station sited by the proposed ACP in the Union Hill community, Buckingham County heard evidence of environmental injustice from local residents and regional organizations during hearings on the Special Use Permit, and ignored their responsibility to protect communities of color and vulnerable populations. Ruby Laury, a resident of Buckingham County’s 6th District, stated:

Many studies have shown that hazardous solid waste facilities, power stations and industrial plants like the proposed ACP compressor station are sited disproportionately in communities of color and low income neighborhoods. Most importantly these plants emit toxic air and noise pollution which would have a negative effect on the health and wellbeing of us living in the Union Hill and Wood [Corner] area....[T]he proposed ACP [site] was owned by descendants of a plantation owner and property sold for \$37,000 + per acre. The community...was created by freedmen, freed slaves in about 90% of the adjoining land.... So please deny the special use permit. Please say yes to the citizens you represent. Say yes to protect us from the environmental racism that appears is being thrust upon us.

John W. Laury, also a resident of Buckingham County’s 6th District, stated in opposition to the Permit, before the Board cut off his statement:

We maintain the compressor station is inconsistent with local ordinances. It is being cited [sic] for an agricultural zone not an industrial zone and it’s surrounded by an African American Community. The local residents and regional organization gave evidence of environmental injustice regarding

Union Hill Community during the Planning Commission Public Hearing process. The Planning Commission failed with respect to its legal obligation to ensure the ACP compressor station...(time's up tone sounded) ²¹

A review of environmental justice and equity law by the American Bar Association and the Hastings College of Law revealed the following:

Poor communities of color breathe some of the least healthy air in the nation. For example, the nation's worst air quality is in the South Coast Air Basin in Southern California, where studies have shown that Latinos are twice as likely as Whites to live within one mile of an EPA Toxic Release Inventory listed facility, and Latinos, African Americans, and Asian populations in the region face 50% higher cancer risks than Anglo-Americans in the region. Advocates nationwide argue that because poor people of color bear a disproportionate burden of air pollution, their communities should receive a disproportionate share of money and technology to reduce toxic emissions, and that laws like the Clean Air Act should close loopholes that allow older, polluting facilities to escape pollution control upgrades.²²

Walter Fauntroy, District of Columbia Congressional Delegate to Congress, prompted the General Accounting Office to investigate environmental justice issues. The GAO released its findings that three-quarters of the hazardous waste landfill sites in eight southeastern states were located in primarily poor, African-American and Latino communities. United Church of Christ's Commission for Racial Justice published *Toxic Wastes and Race in the United States*, which revealed that race was the single most important factor in determining where toxic facilities were located, and that it was the intentional result of local, state and federal land-use policies. Dr. Robert Bullard published *Dumping in Dixie*:

²¹ Buckingham Board of Supervisors January 5, 2017 Public Hearing Transcript at 27.

²² Environmental Justice for All: A Fifty State Survey of Legislation, Policies and Cases (fourth ed.), Steven Bonorris, Editor, Copyright © 2010 American Bar Association and Hastings College of the Law. With citation, any portion of this document may be copied and distributed for non-commercial purposes without prior permission. All other rights are reserved. <http://www.abanet.org/environ/resources.html> or www.uchastings.edu/cslgl

Race, Class, and Environmental Quality, in which he showed the importance of race as a factor in the siting of polluting industrial facilities.²³ We assert that the siting of the ACP in Buckingham, Cumberland, Prince Edward, Nottoway, Dinwiddie, Greensville, Brunswick, Southampton, Sussex, and Chesapeake are blatant attempts by the ACP to continue this historical abuse of communities of color, especially when you consider each of the counties has higher than average minority populations. Many of these communities have large minority populations because during colonial times their ancestors were enslaved by white plantation owners. After Emancipation, if fortunate, the plantation owners gave their slaves land and those freedmen settled in communities near the plantations they had worked. Others took up share cropping on their prior “master’s” land. Buckingham County, VA is a prime example of this occurrence. Dr. Lakshmi Fjord completed a study of the area surrounding the compressor station site, which indicated 85% of the 99 homes she surveyed within 1 mile of the compressor station were African American. Over 30% of those surveyed were descendants of the freed slaves that settled in the Union Hill community.²⁴ Additionally, over 70 percent of adjoining landowners to the compressor station site are African-American.

The action of the Board of Supervisors in granting the special use permit in an A-1 (Agriculture 1) District was an unreasonable and arbitrary use of its authority which bore no substantial relationship to the public health, public convenience, or good zoning practice. Rather, it was a discriminatory act for the financial benefit of a private entity and detrimental to residents of the Union Hill community. Therefore, it is unlawful and should be deemed *ab initio* invalid and void. *Wilhelm v. Morgan*, 208 Va. 398, 157 S.E.2d 920 (1967).

We submit that the VADEQ Air Compliance and Permitting Division should weigh the unlawful act of approval of the Special Use Permit by the Buckingham County Board of Supervisors in its air permitting process to ensure both EPA regulations and Virginia law regarding environmental justice is enforced.

²³ Natural Resources Defense Council, <https://www.nrdc.org/stories/environmental-justice-movement>

²⁴ Dr. Lakshmi Fjord, anthropologist, comments submitted to FERC regarding the history and demographic makeup of Union Hill.

The FERC analysis produced flawed conclusions that systematically discount the disproportionate impacts on communities of color and disadvantaged communities. The State Agencies did not complete an environmental justice analysis at all.

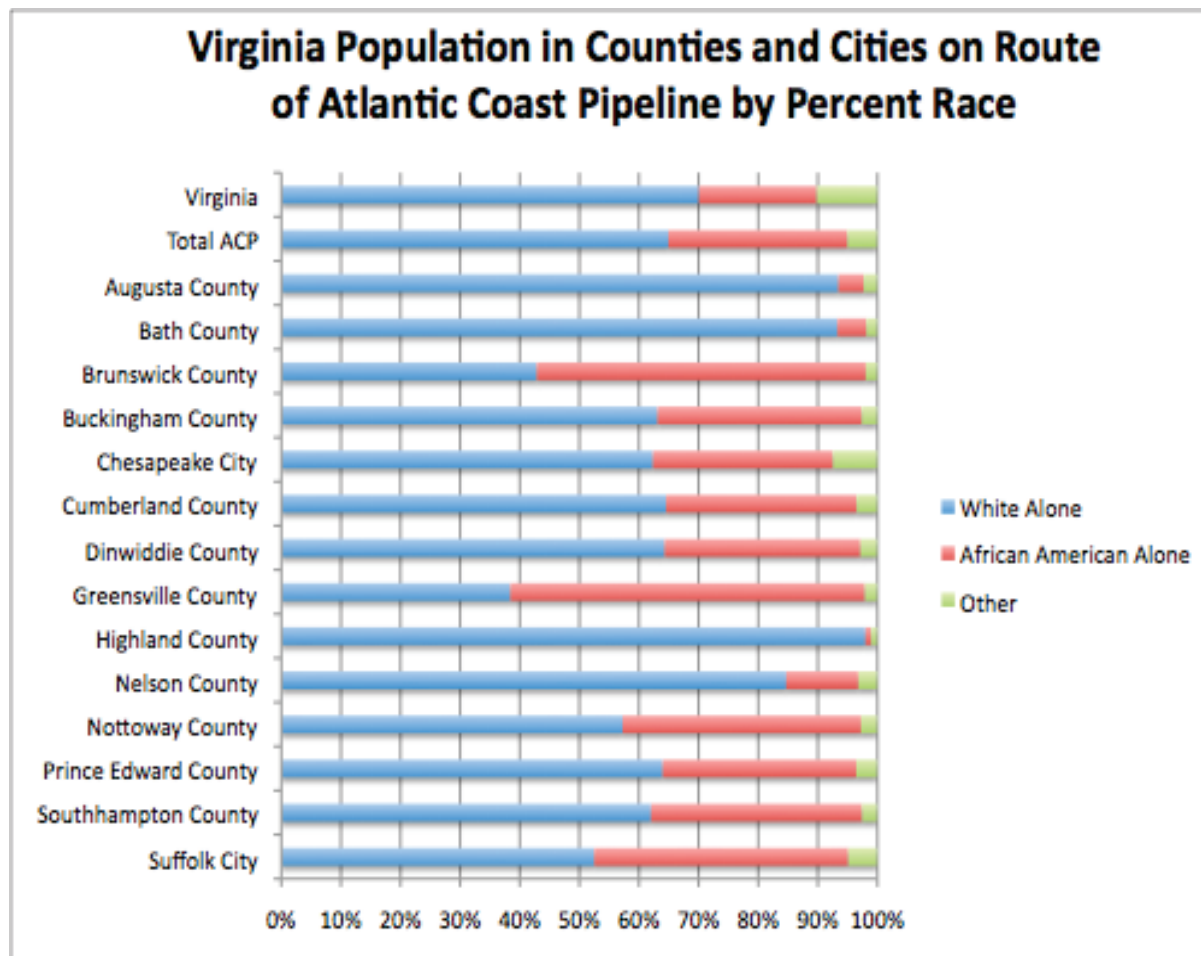
In its Order granting its conditional certificate for the ACP, FERC states it is not required to comply with Executive Order 12898 which mandates that specified federal agencies make achieving environmental justice part of its missions by identifying and addressing, as appropriate, disproportionately high and adverse human or environmental health effects of their programs, policies and activities on minorities and low-income populations. FERC's unsupported position is one of the issues raised by the request for rehearing of FERC's decision by some of the Environmental Justice Groups. FERC's position that it is not required to meet Executive Order 12898 is unacceptable.

Regardless of FERC's flawed position, the State Agencies are required to review the impacts of their decisions on low-income communities and communities of color pursuant to both the EPA directives and Virginia's own environmental justice statutes. The State Agencies certainly cannot simply rely on the ACP/FERC analysis of the Environmental Justice impacts.

Even FERC recognizes the ACP would have an impact on low-income families, yet fails to further assess those impacts on these low-income communities and communities of color. Seventeen (17) of the 22 counties through which the ACP would traverse in Virginia and North Carolina have some combination of below median income, with higher than average concentrations of African American or Native American families. The compressor stations in both Virginia and North Carolina are sited in counties with above average minority populations and below average median income. Northampton County, NC is 58 percent African American while the state is 22 percent. Buckingham County, VA is 34.3 percent African American compared to Virginia's 19.6 percent. Governor Northam's Advisory Council on Environmental Justice in Virginia calls the siting of the ACP compressor

station in the Union Hill community racist in its recommendations to him regarding the proposed Atlantic Coast pipeline.²⁵

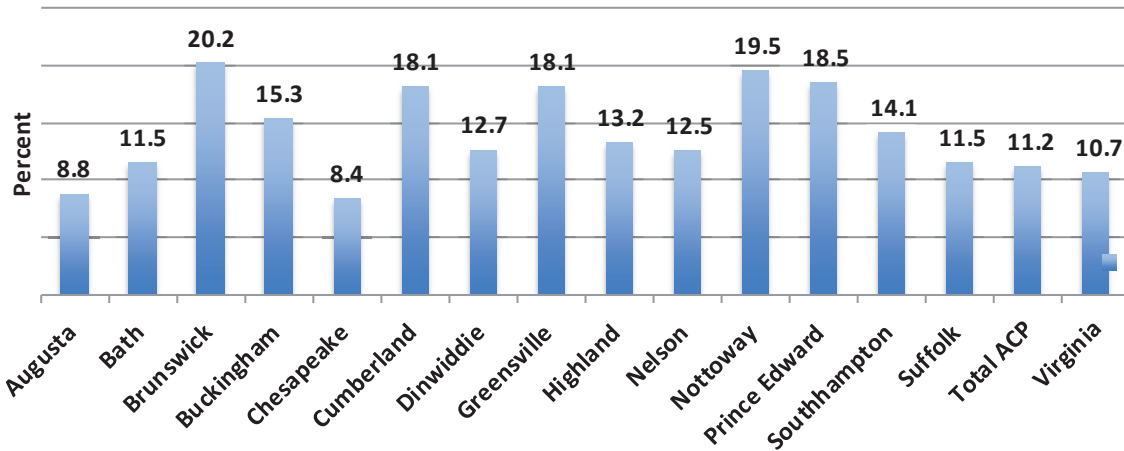
Of the 14 Virginia counties on the route of the ACP, ten (10) have higher than average populations of African Americans—the lowest is 30.2 percent and the highest is 59.5%. (See chart.) Thirteen (13) of the 14 Virginia counties have higher



than average populations living in poverty. Virginia's poverty population is 10.7%; the 13 counties range between 11.9 percent and 20.2 percent. These trends continue into North Carolina into seven of the eight counties along the route of the ACP. We do not believe the path and the statistical facts included herein happened by coincidence.

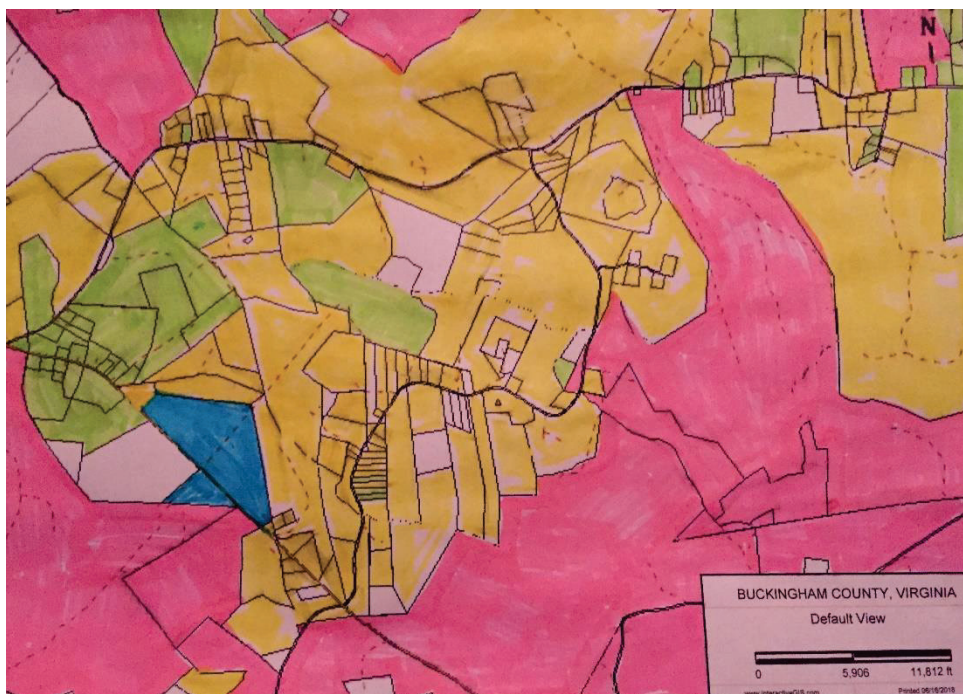
²⁵ Governor's Advisory Council on Environmental Justice meeting regarding recommendations to the Governor on Pipelines, May, 31, 2018

Poverty Estimates for Virginia Counties and Cities on the Route of the Atlantic Coast Pipeline



Notably, although FERC's study appropriately compares poverty data in census tracts within one mile of the pipeline corridor to poverty data for the State as a whole, when it comes to population percentages for communities of color, FERC compares census tracts near the pipeline only with the percentage of minorities in the county in which the census tract is located. This dilutes the data and makes it nearly impossible to ever designate any community as an environmental justice community. Since most of the Virginia counties along the proposed ACP corridor have communities of color significantly above the State average, this decision greatly minimizes the disproportionate impact. The decision to use county-level reference statistics for race and ethnicity left regulators unable to determine whether any pipeline route through these specific counties would place a disproportionate burden on minority populations when compared to the broader population of Virginia.

We also assert using Census data alone—as the sole variable in judging whether there is a disproportionate impact on communities of color—lacks reason and forethought. Rural communities have vast amounts of undeveloped land and yet FERC is silent on the taking of undeveloped land from landowners of color. Obviously, census data only reflects the people who live in homes on developed land. It does not reflect who owns undeveloped tracts in those same communities. BREDL has many examples of undeveloped lands owned by members of minority communities in Virginia and North Carolina which are being taken by the proposed ACP—parcels of land within those same census tracts which indicate an above average population of people of color. The impact of these takings on African American, Native American and other people of color are not reflected in any way in the ACP/FERC analyses. These undeveloped parcels are an important part of the heritage and culture of the impacted communities and should be considered in any environmental justice analysis. We have included below a color coded map of the area around the Buckingham County compressor station to indicate the number of minority owned properties in this community. The compressor station site is blue; yellow, minority owned; green, caucasian; pink, timber companies; and those left white we could not discern the ethnicity of the owners.



According to census data, there are 563,358 Virginians in the 14 counties through which the ACP is proposed to pass. If we use the overall minority population of the state, 19.8 percent, to determine our baseline, we find 110,418 in the 14 counties should be people of color. However, reality on the ground tells a completely different story—thirty-five (35) percent, or 197,654 Virginia residents are members of minority communities in those 14 counties—an increase of 79% over the state baseline of 110,418.

Virginia has a total of 132 counties and cities. Of those 132 jurisdictions, 31 have minority populations greater than 30 percent. Ten (10) of those 31 counties (32.25 percent) are ACP counties.

The NAACP report, “Fumes across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities, November 2017”, documents the health and safety impacts of compressor stations on public health.²⁶ Additional studies available include: Physicians for Social Responsibility²⁷; and a BREDL technical document specific to the compressor station for the proposed ACP in Buckingham County.²⁸ Many residents in poor, rural communities are medically underserved. Diabetes, asthma and other conditions increase their susceptibility to more severe responses to methane leaks along pipeline routes and increased toxic emissions from compressor stations. Suzanne Keller, a retired (2017) epidemiologist recently presented research indicating the average ambient air standards which the air permit must meet are not “protective” of public health because the averages do not tell a complete story.²⁹ The releases of toxic emissions don’t occur as “averages,” they spike when there is a problem and during scheduled blowdowns. While prolonged exposure from the day-to-day operations of pipelines and compressor stations are detrimental to public health, those periods of high emission releases cause tremendous health consequences to community members. While, the

²⁶ www.naacp.org/wp-content/uploads/2017/11/Fumes-Across-the-Fence-Line_NAACP_CATF.pdf

²⁷ *Too Dirty, Too Dangerous: Why Health Professionals Reject Natural Gas*, A Report by Physicians for Social Responsibility, November 2017

²⁸ *Buckingham Compressor Station, Atlantic Coast Pipeline, Pollution Report, Unfair, Illegal and Unjust*, Blue Ridge Environmental Defense League, December, 2016

²⁹ Suzanne Keller presentation, Governor’s Advisory Committee on Environmental Justice, May 30, 2018

proposed compressor station may meet ambient air standards that are measured in years, the health of individuals exposed to intense episodic releases will not be protected.

In FERC's disregard of the meaning of environmental justice, it asserts that because impacts may be happening in low population areas, fewer people would be hurt. Therefore, it cannot see evidence of disproportionate impact. As noted, FERC's order 255 concludes "these impacts would occur along the entire pipeline route and in areas with a variety of socioeconomic background." We assert simply because rural areas have low concentrations of population does not mean people of low income and/or people of color would not be disproportionately impacted. Reality on the ground tells us, the counties along the path of the proposed ACP have a 79% higher concentration of minority population than the Commonwealth's 19.8 percent. Moreover, the impact of the proposed compressor station will be felt by a majority African American population.

As has occurred in North Carolina, the methodology used by FERC and the ACP fails to identify the major impacts on people of color, whether African American, Native American or another minority. Ryan Emanuel's letter published in Science Magazine outlines how data show in North Carolina, some 30,000 Native Americans live in census tracts along the route, yet FERC and the ACP claim there is not an environmental justice issue in those communities.³⁰

The methodology used by the FERC, ACP and State Agencies fails to compare the currently preferred route with other alternative routes. The only major route alterations occurred because of the insistence of the United States Forest Service in protecting endangered species. While we sincerely appreciate and support the efforts of the USFS to protect endangered species by requiring the pipeline be moved, we assert the same concern and protection should be afforded human health and safety. FERC simply concluded the preferred route has no disproportionate impacts on environmental justice families. It comes to this faulty conclusion by counting the number of census tracts with "meaningfully

³⁰ Emanuel, Ryan, Flawed Environmental Justice Analyses, Science Magazine, July 21, 2017 (attached).

greater” minority populations than the county in which those communities are located.

Compounding the failure of a proper environmental justice analysis by the State Agencies, FERC and the ACP refused consultation with tribal councils along the route of the ACP. The cursory attempts to interact with Tribal leaders seemed to be more of an attempt to simply check a box on a step needed to move forward, rather than meaningful consultation. Additionally, six tribes in Virginia received federal recognition by the US government in March, 2018. These tribes should receive the consultation on tribal sites, and cultural and environmental resources known by their members and it should occur as an integral part of the review process.

The ACP, FERC and the State Agencies failed when they attempted to disguise a major interstate project by breaking it into a series of county-level projects to dilute and minimize the impact of the project on communities of color and disadvantaged communities. We assert it is reprehensible behavior and erodes confidence by members of the public that the permitting processes used are fair, scientific and transparent. The ACP, FERC and State Agencies must be held to the highest standard in their permitting processes. Anything less is irresponsible and an affront to the public trust.

REMEDY

The only just remedy is for the permits to be voided until such time as a thorough environmental justice analysis is conducted to determine the true impacts on communities of color and those living in poverty along the path of the proposed ACP. The new analysis should include:

- 1) A complete study of census data within a 1 mile-radius of the proposed ACP and its compressor stations of African American and other minority populations which is compared to state averages, not county level data.
- 2) A study of the undeveloped tracts of land being taken by eminent domain that are owned by African Americans and other minority populations within

the communities which have higher than state averages of people of color along the path of the proposed ACP is completed.

CONCLUSION

Pursuant to 40 CFR Part 7.120(d), it is our understanding ECRCO is required to notify us within 20 calendar days of acknowledgement of this complaint and your subsequent actions regarding it.

Respectfully submitted,

/sharonponton

Ex. 6, 7c

BREDL Stop the Pipelines Ex. 6, 7c

Ex. 6, 7c

Ex. 6, 7c VA 22949

Ex. 6, 7c

Ex. 6, 7c

cc: The Honorable Ralph Northam, Governor of Virginia

The Honorable Mark Herring, Attorney General of Virginia

Matthew Strickler, Secretary, Virginia Division of Natural Resources

David Paylor, Director, Virginia Department of Environmental Quality

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VIA EMAIL & MAIL

May 15, 2018

U.S. Environmental Protection Agency
Office of General Counsel
External Civil Rights Compliance Office (ECRCO)
Mail Code 1201A
1200 Pennsylvania Avenue, NW
Washington, DC 20460
[Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)

Re: Title VI Environmental Justice Complaint against
NC Department of Environmental Quality

To Whom It May Concern:

Pursuant to Title VI of the Civil Rights Act of 1964, 42 USC ¶ 2000d, now comes NC WARN; Clean Water for NC; Blue Ridge Environmental Defense League ("BREDL") and its chapters, Concerned Stewards of Halifax County, Nash Stop the Pipeline, Wilson County No Pipeline, No Pipeline Johnston County, Cumberland County Caring Voices; EcoRobeson; Concerned Citizens of Tillery; Concerned Citizens of Northampton County; Friends of the Earth; and the NC Environmental Justice Network (collectively the "Environmental Justice Groups"), by and through the undersigned counsel, with a complaint against the NC Department of Environmental Quality ("DEQ") for discriminatory actions the agency has taken in issuing permits for the proposed Atlantic Coast Pipeline ("ACP").

The Environmental Justice Groups allege DEQ discriminated on the basis of race and color in issuing permits and certifications to the ACP as part of the permitting process. The failure to assess the environmental justice impacts of the proposed ACP on communities of color along the route led to the improper actions taken by DEQ through

the Division of Water Resources, the Division of Air Quality, and the Division of Energy, Mineral and Land Resources (collectively the “State agencies”).

As part of this complaint, the Environmental Justice Groups request a prompt and complete investigation of their allegations by the General Counsel and the External Civil Rights Compliance Office (“ECRCO”) pursuant to 40 CFR ¶ 7.120, including a public hearing on the matter in North Carolina.

BACKGROUND

On September 18, 2015, the ACP, LLC filed an application under section 7(c) of the Natural Gas Act, requesting authorization to construct, own, and operate the ACP, including three compressor stations and at least 564 miles of pipeline across West Virginia, Virginia, and North Carolina. The purpose of the proposed ACP is to deliver up to 1.5 billion cubic feet per day of fracked natural gas to customers in Virginia and North Carolina.

The Federal Energy Regulatory Commission (“FERC”) has the authority under Section 7 of the Interstate Natural Gas Pipelines and Storage Facilities Act (“NGA”) to issue a certificate to construct a natural gas pipeline. As described in the Commission guidance manuals, environmental documents are required to describe the purpose and commercial need for the project, the transportation rate to be charged to customers, proposed project facilities, and how the company will comply with all applicable regulatory requirements.

As part of its review process, FERC prepares environmental documents, and in this case, a Draft Environmental Impact Statement (“DEIS”) was prepared and released on December 30, 2016. On October 13, 2017, FERC granted a conditional certificate for the pipeline, with the most significant conditions based on subsequent actions by the State agencies.¹

The certificate issued by FERC is not final, in that FERC has not ruled on pending motions for rehearing – a necessary step to judicial review – by several parties, including NC WARN, BREDL, and Clean Water for NC.

While FERC was conducting its certificate process, the State agencies received and reviewed applications from the ACP for various certifications and permits.² After public hearing processes, the State agencies issued each of the permits.

¹ FERC Order Issuing Certificates, October 13, 2017. Available at: www.documentcloud.org/documents/4108369-FERC-ACP-Order.html

² The applications and permits are available at <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/ACP> and are incorporated herein by reference.

1. The Division of Water Quality issued the 401 Water Quality Certification for the entire route in North Carolina on January 26, 2018.
2. The Division of Energy, Mineral and Land Resources issued the Erosion and Sedimentation Control Permit for the entire route in North Carolina on February 1, 2018.
3. The Division of Energy, Mineral and Land Resources issued the Stormwater Permits for activities in Nash and Cumberland Counties on February 2, 2018.
4. The Division of Air Quality issued the Air Quality Permit for the Northampton compressor station on February 27, 2018.

It should be noted a Memorandum of Understanding (“MOU”) between the ACP and N.C. Governor Cooper was released on January 25, 2018.³ It provided, among other commitments, the ACP would provide \$58.7 million into a trust fund for the mitigation of environmental damages caused by the pipeline’s construction and operation. The permits were issued soon after the MOU was made public.

THE PUBLIC INTEREST GROUPS

The Environmental Justice Groups are not-for-profit corporations acting in the public interest and community groups organized to protect the family and property of their members. The Environmental Justice Groups have members adjacent to or in close proximity to the proposed ACP corridor and blast zone. Many of the members of the Environmental Justice Groups are African-American and Native American who will face disproportionate impacts from the proposed ACP.

- a. NC WARN is a statewide group concerned about the climate crisis and the impacts of natural gas infrastructure, including the disproportionate impact on families who are most affected.
- b. Clean Water for NC is a statewide group with a long history of working for environmental justice for North Carolina communities, including providing support for its members along the proposed pipeline route.
- c. BREDL is a regional environmental and social justice organization with at least five chapters with members directly on the path of the proposed pipeline. The chapters are: Concerned Stewards of Halifax County, Halifax County, NC; Nash Stop the Pipeline, Spring Hope, NC; Wilson County No Pipeline, Kenly, NC; No

³ The Mitigation Project MOU between the ACP and Governor Cooper is available at https://files.nc.gov/governor/documents/files/2018_01_25_MOU.pdf?K8Jzy_R7221YZ3Am3iXOaTtI0joZiDZX

Pipeline Johnston County, Johnston County, NC; and Cumberland County Caring Voices, Eastover, NC.

- d. EcoRobeson is a community-based group in Robeson County, NC, whose members are primarily Native American.
- e. Concerned Citizens of Tillery is a community-based group in Halifax County, NC, whose members are primarily African-American.
- f. Concerned Citizens of Northampton County is a community-based group in Northampton County, NC, whose members are primarily African-American.
- g. Friends of the Earth is a national organization with members in North Carolina and an office in Durham, NC, working to reduce the impacts of climate change and to provide a healthier environment for all people.
- h. NC Environmental Justice Network is a North Carolina group promoting health and environmental equality for all people of North Carolina.

The Environmental Justice Groups and their members will be significantly affected and aggrieved by the proposed ACP. Many of the economic concerns and environmental impacts affecting the Environmental Justice Groups and their members, and especially those in communities of color, have not been taken into consideration by FERC in its conditional issuance of the Certificate or by the State agencies which adopted the FERC's DEIS.

The Environmental Justice Groups allege, among other issues, FERC and the State agencies failed to assess the impacts on families and communities along the route, the environmental and health impacts from the construction and operation of the pipeline, and its cumulative impacts, including the worsening of the climate crisis. The increased usage of fracked gas has aggravated the effects of climate change and the most vulnerable communities along the ACP route are in many cases the same communities being most harmfully impacted by climate change.

Several of the same Environmental Justice Groups brought concerns about the impacts on communities of color to FERC in its hearing process and additionally submitted comments and testimony to the State agencies on the permits.⁴ The Environmental Justice Groups and their members attended numerous hearings and public meetings on issues related to the ACP and submitted comments on the proposed permits to the agencies. In addition to the environmental justice concerns, the Environmental Justice

⁴ The JOINT COMMENTS BY PUBLIC INTEREST GROUPS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT, April 5, 2017, by 20 public interest groups (including many of the Environmental Justice Groups herein) submitted to FERC and the State agencies is available at www.ncwarn.org/wp-content/uploads/ACP-DEIS-Joint-Comments.pdf. Among other issues, well-documented concerns about environmental justice were presented.

Groups allege the procedures for the issuance of the permits *sub judice* were not fair and impartial.

The members of the Environmental Justice Groups will be significantly affected and aggrieved by the construction and operation of the proposed ACP. The actions allowed by the permit decisions would have a significant and adverse impact on the health and well-being of the members of the Environmental Justice Groups, and on their families, the use and enjoyment of their property, the value of their property and other economic interests. Again, members in communities of color would bear a disproportionate impact.

Many of the families on the ACP route are having their property taken by the ACP through eminent domain. Many of the families are within the blast zone and / or evacuation zones around the proposed pipeline. Many of the families have drinking water wells which may be negatively impacted by groundwater contamination from the proposed pipeline. Many of the families will be significantly and adversely impacted by the toxic air pollutants emitted by the pipeline and the proposed compressor station in Northampton County.

BASIS FOR COMPLAINT

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin in their programs or activities. In this matter, the Environmental Justice Groups allege the State agencies discriminated on the basis of race and color because they failed to assess the disproportionate impacts of the proposed ACP on communities of color.

The State agencies receive financial assistance from the U.S. Environmental Protection Agency ("EPA"). In the Schedule of Expenditures of Federal Awards, the NC Office of State Controller provided a spreadsheet showing the State agencies received approximately \$71.5 million from EPA in the latest fiscal year. ATTACHED. The State agencies have received similar financial assistance from EPA over the past several years.

Because of the financial assistance from EPA, the State agencies are required to comply with relevant civil rights law, including Title VI. In her letter of January 18, 2017, to the State agencies Lilian S. Dorka, ECRCO Director, presented the U.S. EPA's External Civil Rights Compliance Office Compliance Toolkit ("Toolkit"), which is a clarification of existing law and policy intended to provide guidance to promote and support EPA recipients' compliance with federal civil rights laws.⁵ Ms. Dorka, in her letter, reiterated EPA's position on this: "All applicants for and recipients of EPA financial assistance have an affirmative obligation to comply with federal civil rights obligations." ECRCO has the duty to investigate complaints against these recipients of EPA financial assistance to determine if they comply.

⁵ www.epa.gov/sites/production/files/2017-01/documents/toolkit-chapter1-transmittal_letter-faqs.pdf

ALLEGATION OF DISCRIMINATION

The State agencies in issuing their permits did not adequately address sociological and demographic issues in order to assess discrimination based on race and color pursuant to Title VI. The Environmental Justice Groups herein use the term “environmental justice” as a shorthand for this discrimination, i.e., a determination of whether the actions would have a disproportionate impact on African-American and Native American families along the proposed route of the ACP.

The State agencies relied on a flawed analysis conducted by ACP in its application and by FERC in its Order and the state agencies failed to conduct a sufficient analysis of their own. The issuance of the permit did not reflect the disproportionate impacts on communities of color.

This failure is especially troublesome in that the State agencies have their own Environmental Equity Initiative, effective October 19, 2000. ATTACHED. Like the Federal agencies’ requirements to comply with Title VI of the Civil Rights Acts, this policy initiative requires the State agencies to assess the potential impacts of permit decisions on low-income communities and communities of color, and specifically to review Title VI compliance. The State agencies cannot rely on analyses by other agencies such as FERC, especially as it is apparent those analyses are flawed.

In most instances, the State agencies follow the NC Department of Transportation Title VI guidelines.⁶ This restricts their analysis to comparing the demographics at the county level with the directly impacted community within a one-mile radius. Local level data is used to recognize any variations with the county rather than look at other actions, such as alternate routes, that may have a far less impact on communities color. Only the following conditions are flagged as potential communities of concern: (1) 10% or more in comparison to the county average; (2) 50% or more minority, i.e. people of color; or (3) 5% or more in comparison to the county average for poverty. Similar to the FERC analysis, this process produces flawed conclusions that systematically discount the disproportionate impacts.

In its Order granting its conditional certificate for the ACP, FERC states it is not required to comply with Executive Order 12898 which mandates that specified federal agencies make achieving environmental justice part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human or environmental health effects of their programs, policies, and activities on minorities and low-income populations. FERC’s unsupported position is one of the issues raised by the request for rehearing of FERC’s decision by some of the Environmental Justice Groups.

Regardless of FERC’s flawed position, the State agencies are required to review the impacts of their decisions on low-income communities and communities of color

⁶ www.ncdot.gov/programs/titleVI/

pursuant to both the EPA directives and their own internal policy. The State agencies certainly cannot simply rely on the ACP / FERC analysis of the environmental justice impacts.

Even FERC recognizes the ACP would have an impact on low-income families, yet fails to further assess the impacts on these low-income communities and communities of color. More than half of North Carolina counties along the route are below the median income for the State with concentrations of African-American and Native American families.

Notably, although FERC's study appropriately compares *poverty data* in census tracts within one mile of the pipeline corridor to poverty data for the State as a whole, but when it comes to *population percentages for communities of color*, FERC compares census tracts near the pipeline only with the percentage of minorities in the county in which the census tract is located.

As most of the North Carolina counties along the proposed ACP corridor have communities of color significantly above the State average this decision greatly minimizes the apparent disproportionality in minorities impacted. The decision to use county-level reference statistics for race and ethnicity left regulators unable to determine whether any pipeline route through these specific counties would place a disproportionate burden on minority populations when compared to the broader population of North Carolina, a population that would reportedly benefit from the project through electricity generation.

Northampton County, for instance, is 58 percent African-American, compared to a State average of 22 percent. A comparable analysis to disproportionate impacts on low income residents would use a comparison to State non-white populations, and would result in a dramatically different conclusion.

Native Americans are over-represented in the North Carolina segments of the ACP area by a factor of ten compared to statewide demographics --13% of affected population along the route versus 1.2% Native Americans in the North Carolina population. Disproportionate impact analysis can only be conducted using the right comparisons.

In the NAACP's report, "Fumes Across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities," November 2017, the health and safety impacts of compressor stations have been well documented. ATTACHED.⁷ Much of the natural gas infrastructure, including the proposed ACP in North Carolina, is being sited in communities of color, and as a result those communities are disproportionately impacted.

⁷ Additionally available online at www.naacp.org/wp-content/uploads/2017/11/Fumes-Across-the-Fence-Line_NAACP_CATF.pdf

The State agencies appear to have relied on FERC's flawed analysis of environmental justice without any separate analysis. In its lack of understanding of the simple term "disproportionate," FERC asserts that because impacts may be happening in low population areas, fewer people would be hurt and therefore it cannot see evidence of disproportionate impact. As noted above, FERC's Order ¶ 255 concludes "[t]hese impacts would occur along the entire pipeline route and in areas with a variety of socioeconomic background." Just because there is a low population concentration does not mean people of low income or people of color would not be disproportionately impacted.

A recently published study by the Research Triangle Institute, "Environmental Justice Concerns and the Proposed Atlantic Coast Pipeline Route in North Carolina," March 2018, demonstrates both the failures of FERC's analysis and ACP's impacts on communities of color.⁸ ATTACHED. The study concludes, "The counties crossed by proposed ACP route collectively have a significantly higher percentage minority population than the rest of the counties in the state (at the 99% confidence level)."

In addition to the fundamental flaws in the methodology used by FERC and adopted by the State agencies, the analysis fails to identify the major impacts on Native American populations living along the preferred pipeline route.⁹ Data show that in North Carolina alone, approximately 30,000 Native Americans live in census tracts along the route. This number represents one quarter of the State's Native American population and one percent of the entire Native American population of the U.S. FERC and State agencies' analysis is silent on this issue.

FERC simply concluded the preferred route has no disproportionate impacts on the African-American and Native American communities. It draws this conclusion by counting the number of census tracts with "meaningfully greater" minority populations than the county in which they are located. Failure of the environmental justice analysis to detect these impacts is based on serious flaws in the methodology.

FERC, and the State agencies, further fail to compare the currently preferred route with other alternative routes. It should be noted at least one of the earlier proposed routes would have passed through wealthier and predominately white communities near Raleigh, NC.

Compounding the failure of a proper environmental justice analysis, FERC refused formal consultation with the tribal councils along the route of the ACP. This consultation

⁸ Wraight, S., Hofmann, J., Allpress, J., and Depro, B. (2018). Environmental Justice Concerns and the Proposed Atlantic Coast Pipeline Route in North Carolina. RTI Press Publication No. MR-0037-1803. Research Triangle Park, NC: RTI Press. <https://doi.org/10.3768/rtipress.2018.mr.0037.1803>

⁹ Emanuel, R., Flawed Environmental Justice Analyses, Science Magazine, July 21, 2017. ATTACHED. Emanuel, R., Comments to the Federal Energy Regulatory Commission on the Draft Environmental Impact Statement for the Atlantic Coast Pipeline, LLC, Dominion Transmission, Inc. and Atlantic and Piedmont Natural Gas. Co., Inc., April 6, 2017. ATTACHED.

on tribal sites, and cultural and environmental resources known both profoundly and intimately by members of the Indian tribes should have occurred as an integral part of the review process, not as an afterthought. 18 C.F.R. § 2.1c(e) states “(e) [FERC], in keeping with its trust responsibility, will assure that tribal concerns and interests are considered whenever the Commission's actions or decisions have the potential to adversely affect Indian tribes or Indian trust resources.”

Representatives of the State agencies met with representatives of the tribes at the NC Council of Indian Affairs on August 9, 2017. However, the limited process did not allow detailed concerns to be incorporated into the State agencies’ decisions.

FERC’s summary analysis in the environmental documents takes a single, interstate project and breaks it down into a series of county-level projects for evaluating impacts on minorities. In doing so, the analysis masks large disproportionate impacts on Native American and African-American families and communities along the route. Along with FERC, the State agencies have discriminated against these populations.

CONCLUSION

EPA, after the investigation by ECRCO and public hearing in North Carolina, should require DEQ to rescind each of the permits and demand a new environmental justice analysis based on demographic data that considers reference populations more carefully.

Pursuant to 40 CFR ¶ 7.120(d), it is our understanding ECRCO is required to notify us within 20 calendar days of acknowledgement of this complaint and of your subsequent actions regarding it.

FOR THE ENVIRONMENTAL JUSTICE GROUPS

Respectfully submitted,

/s/ John D. Runkle

John D. Runkle (NC Bar No. 10503)
Attorney at Law
2121 Damascus Church Road
Chapel Hill, North Carolina 27516
Telephone: 919-942-0600
Email: jrunkle@pricecreek.com

b(6) Privacy

cc. Roy Cooper, Governor
Michael Regan, Secretary, DEQ

ATTACHMENTS

Schedule of Expenditures of Federal Awards

NCDEQ (formerly NCDENR) Environmental Equity Initiative

NAACP, "Fumes Across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities"

Research Triangle Institute, "Environmental Justice Concerns and the Proposed Atlantic Coast Pipeline Route in North Carolina"

Emanuel, R., "Flawed Environmental Justice Analyses"

Emanuel, R., "Comments to the Federal Energy Regulatory Commission on the Draft Environmental Impact Statement for the Atlantic Coast Pipeline, LLC, Dominion Transmission, Inc. and Atlantic and Piedmont Natural Gas. Co., Inc."



U.S. Department of Justice
Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

Notice of Referral of Complaint for Appropriate Action

To: Mr. Rafael DeLeon,
Director, Office of Civil Rights
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Room 2450
Washington, D.C. 20460

Kathleen Pierson
12302 Forest Trail
Kagel Canyon, CA 91342

From: Disability Rights Section, Civil Rights Division, U.S. Department of Justice

Reference: CTS# 636502; regarding County of Los Angeles Public Works, CA; received
by DOJ on July 3, 2018

The Disability Rights Section has reviewed the enclosed complaint and in consultation with the Department of Interior determined that it raises issues that are more appropriately addressed by the U.S. Environmental Protection Agency. We, therefore, are referring this complaint to that agency for appropriate action. This letter serves to notify that agency and the complainant of this referral. The Disability Rights Section will take no further action on this matter.

To check the status of the complaint, or to submit additional information, the complainant may contact the referral agency at the address above or at the following telephone number(s):

(202) 564-7272

If the agency has any questions or concerns about this referral or believes that it raises issues outside the agency's jurisdiction, please do not hesitate to contact the Department of Justice at the address and phone number attached hereto

DJ# 204-12C-0

RECEIVED
AUG 13 2018
Fidewest



U.S. Department of Justice

Civil Rights Division

Disability Rights Section

**Title II of the Americans with Disabilities Act/
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form**

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant: **Ex. 6, 7c**

Address: **Ex. 6, 7c**

City, State and Zip Code: **Kagel Canyon, Ca 91342**

Telephone: Home: **Ex. 6, 7c**

Business: _____

Person Discriminated Against: (if other than the complainant): _____

Address: _____

City, State, and Zip Code: _____

Telephone: Home: _____

Business: _____

Government, or organization, or institution which you believe has discriminated:

Name: **County of Los Angeles Public Works / Flood Control**

Address: **900 S. Fremont Avenue**

County: **Los Angeles**

City: **Altamira**

State and Zip Code: **Ca 91803**

Telephone Number: **626/458-5100**

When did the discrimination occur? Date: **04/23/2018**

Permit given by Fish & Wildlife

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary): _____

Spraying Roundup without permit or prior notice in creek next to home making me and others sick, not to mention animals frogs and wildlife

"Weed Abatement" I am disabled with Epilepsy, Fibromyalgia, Hashimoto's Thyroiditis, etc, etc

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes ~~X~~ No

If "yes" what is the status of the grievance? Ignored

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes _____ No X

If "yes":

Agency or Court: _____

Contact Person: _____

Address: _____

City, State, and Zip Code: _____

Telephone Number: _____

Date Filed: _____

Do you intend to file with another agency or court?

Yes _____ No X

Agency or Court: _____

Address: _____

City, State and Zip Code: _____

Telephone Number: _____

Additional space for answers:

Ex. 6, 7c

Signature: _____

Date: 06/23/2018

Return to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

OMB No. 1190-0009 Exp. Date 07/31/2018

Reproduction of this document is encouraged.



U.S. Department of Justice

Civil Rights Division

*Federal Coordination and Compliance Section-NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

Doc #634092

Lilian Dorka
Interim Director
Office of Civil Rights
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop 1201A
Washington, D.C. 20004

Dear Ms. Dorka:


Enclosed for your review is a letter received by the Federal Coordination and Compliance Section of the Civil Rights Division of the U.S. Department of Justice. The matter does not appear to be within the jurisdiction of our office.

However, the issues raised may fall within the jurisdiction of your agency and, therefore, we are referring it to you for appropriate disposition. This letter is also being referred to the U.S. Department of Education, Office of Civil Rights. The writer has been notified of the referral.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tamara Kessler", is written above the typed name.

 Tamara Kessler
Chief

Federal Coordination and Compliance Section
Civil Rights Division

Enclosure



U.S. Department of Justice
Civil Rights Division

*Federal Coordination and Compliance Section-NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

Doc #634092

AUG 03 2018

b(6) Privacy

Dear b(6) Privacy:

Your letter was received by the Federal Coordination and Compliance Section of the Civil Rights Division of the U.S. Department of Justice. We have considered carefully the information you have provided, but the matter does not appear to be within the jurisdiction of our office.

However, by the enclosed letter, we have referred the matter to the agency that is most likely to assist you. If you have any questions, please contact the U.S. Environmental Protection Agency at (202) 272-0167.

Sincerely,

Tamara Kessler
Chief
Federal Coordination and Compliance Section
Civil Rights Division

Enclosure

FEDERAL COORDINATION
AND
COMPLIANCE SECTION

2018 JUN -5 AM 11:08

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section



COMPLAINT FORM

The purpose of this form is to assist you in filing a complaint with the Coordination and Review Section. You are not required to use this form; a letter with the same information is sufficient. However, the information requested in the items marked with a star (*) must be provided, whether or not the form is used.

1.* State **Ex. 6, 7c**

Name: _____

Address: **Ex. 6, 7c**

Harrisville PA 16038 Zip 16038

Telephone No: Home: **Ex. 6, 7c** Work: ()

2.* Person(s) discriminated against, if different from above: _____

Name: **Ex. 6, 7c**

Address: Same as above **Ex. 6, 7c**

Zip _____

Telephone No: Home: () Work: ()

Please explain your relationship to this person(s).

Mother

3.* Agency and department or program that discriminated:

Name: Moniteau School District

Any individual if known: Lance Fox, Aubrie Schneide, Bryan Dean

Address: Moniteau High School 1810 West Sunbury Road

West Sunbury PA Zip 16061

Telephone Number: (717) 637-2891

4A.* Non-employment: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the department or agency in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "Sex: Female").

___ Race/Color: _____

___ National origin: _____

___ Sex: _____

___ Religion: _____

___ Age: _____

___ Disability: _____

OMB No. 1190-0008
Expires: 02/29/04

4B.* Employment: Does your complaint concern discrimination in employment by the department or agency? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "Sex: Female").

___ Race/Color: _____
___ National origin: _____
___ Sex: _____
___ Religion: _____
___ Age: _____
___ Disability: _____

5. What is the most convenient time and place for us to contact you?

Ex. 6, 7c

Mornings either home

Ex. 6, 7c

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:

Name: _____ Tel. No. () _____

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name: _____

Address: _____

_____ Zip _____

Telephone Number: () _____

8.* To your best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination: 8/31/17

Most recent date of discrimination: 5/20/2018

9. Complaints of discrimination must generally be filed within 180 days of the alleged discrimination. If the most recent date of discrimination, listed above, is more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint.

1- I was unaware "this" was an option
to hold the district accountable until
late April 2018.

2- The fact that my other children have
been treated significantly different from other
students has contributed to my decision

10.* Please explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional sheets if necessary and attach a copy of written materials pertaining to your case.)

* Please see attached.

11. The laws we enforce prohibit recipients of Department of Justice funds from intimidating or retaliating against anyone because he or she has either taken action or participated in action to secure rights protected by these laws. If you believe that you have been retaliated against (separate from the discrimination alleged in #10), please explain the circumstances below. Be sure to explain what actions you took which you believe were the basis for the alleged retaliation.

* Please see attached.

12. Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.

Name	Address	Area Code/Telephone Numbers
		W:() (H):()
		W:() (H):()
		W:() (H):()
		W:() (H):()
		W:() (H):()
		W:() (H):()
		W:() (H):()
		W:() (H):()

13. Do you have any other information that you think is relevant to our investigation of your allegations?

14. What remedy are you seeking for the alleged discrimination?

Any and all appropriate disciplinary action, but not limited to monetary compensation and transportation, costs, taxes with children attending a nearby school district of my choice.

15. Have you (or the person discriminated against) filed the same or any other complaints with other offices of the Department of Justice (including the Office of Justice Programs, Federal Bureau of Investigation, etc.)?

Yes _____ No X

If so, do you remember the Complaint Number? _____

Against what agency and department or program was it filed?

Address: _____

City, State, and Zip Code: _____

Telephone Number: (____) _____

Date of Filing: _____ DOJ Agency: _____

Briefly, what was the complaint about? _____

What was the result? _____

16. Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any of the following?

____ U.S. Equal Employment Opportunity Commission

____ Federal or State Court

☒ Your State or local Human Relations/Rights Commission

____ Grievance or complaint office

17. If you have already filed a charge or complaint with an agency indicated in #16, above, please provide the following information (attach additional pages if necessary):

Agency: Pennsylvania State Dept. of Education Date filed: _____

Case or Docket Number: _____ Date of Trial/Hearing: _____

Location of Agency/Court: _____

Name of Investigator: _____

Status of Case: _____

Comments: _____

18. While it is not necessary for you to know about aid that the agency or institution you are filing against receives from the Federal government, if you know of any Department of Justice funds or assistance received by the program or department in which the alleged discrimination occurred, please provide that information below.

unknown

19. * We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.

Ex. 6, 7c

(Signature)

(Date)

5-30-18

Please feel free to add additional sheets to explain the present situation to us.

We will need your consent to disclose your name, if necessary, in the course of any investigation. Therefore, we will need a signed Consent Form from you. (If you are filing this complaint for a person whom you allege has been discriminated against, we will in most instances need a signed Consent Form from that person.) See the "Notice about Investigatory Uses of Personal Information" for information about the Consent Form. Please mail the completed, signed Discrimination Complaint Form and the signed Consent Form (please make one copy of each for your records) to:

Coordination and Review Section - NYA
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Toll-free Voice and TDD: (888) 848-5306
(202) 307-2222
TDD: (202) 307-2678

20. How did you learn that you could file this complaint? I was unaware
until an acquaintance informed me there
had been civil rights violations

21. If your complaint has already been assigned a DOJ complaint number, please list it here: _____

If a currently valid OMB control number is not displayed on the first page, you are not required to fill out this complaint form unless the Department of Justice has begun an administrative investigation into this complaint.

COMPLAINANT CONSENT/RELEASE FORM

Ex. 6, 7c

Your Name

Address: **Ex. 6, 7c****Ex. 6, 7c**Harrisville PA 16038

Complaint number(s): (if known) _____

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Department of Justice (DOJ). As a complainant, I understand that in the course of an investigation it may become necessary for DOJ to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of DOJ to honor requests under the Freedom of Information Act. I understand that it may be necessary for DOJ to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by DOJ's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by DOJ.

CONSENT/RELEASE

CONSENT - I have read and understand the above information and authorize DOJ to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the Department of Justice (DOJ) to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.



CONSENT DENIED - I have read and understand the above information and do not want DOJ to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

Ex. 6, 7c

SIGNATURE

DATE

5.30.18

12. (b)(6) Privacy has been singled out and disciplined at the Moniteau School District High School administration, which escalated in the fall of 2017. It was in September that he was first suspended from school for wearing a baseball hat while carrying his lunch tray. At least two other boys had hats on as well. It was only (b)(6) Privacy that was singled out and ordered to remove his hat. There is video evidence by both the school and myself that other students wearing their hats during lunch and never asked to remove them. (b)(6) Privacy repeatedly pointed out to the teacher, Mrs. McFadden, on subsequent days that other students were wearing hats. Her response was, "Oh, well..." We have video documentation to support this.

Shortly after this time, (b)(6) Privacy took a video of the water fountain to show me how bad the water was. The students and district were well aware of the cloudy, opaque, smelling water with flocculant particulate matter floating in it. The students were sharing images of the water on social media. The school district was working with the DEP on this issue but, was failing to notify parents and the public that they were in violation with the State. In October, the District sent home a letter explaining the water situation and that one of the contaminants is known to cause cancer.

Someone posted the video that (b)(6) Privacy took on the local newspaper Facebook page. Upon investigation at the school, the administration determined that it was (b)(6) Privacy video because of the shoes he was wearing. He was then suspended for two days. Mr. Lance Fox, principal at the High School, called and spoke to me about what occurred and threatened to have (b)(6) Privacy expelled if he could prove it was him who posted the video because in Mr. Fox's opinion, the posting of this video was equivalent to pulling a fire alarm.

No one in the administration, including Ms. Aubrie Schnell, ever spoke to (b)(6) Privacy about the reason for his suspension. Nor did anyone ever have him sign his disciplinary form, explaining to him why his concern for the poor water quality resulted in a two-day suspension. This is a clear violation of his due process.

Mr. Dean, the Agricultural teacher whom was involved in the meeting determining who took the video, as it was the water fountain located in his hallway, immediately dropped his grade from an A to a D.

Once (b)(6) Privacy was suspended, I contacted and filed a complaint with the DEP in September 2017, whereupon I learned that the Moniteau School District High School had over 15 water violations in the past 2.5 years. It was during the month of October 2017, that the school board had an emergency meeting and approved without bidding to obtain a new water filtration system that was to be installed over the Winter Break.

I requested to speak in front of the school board in October 2017 but was denied. I was told that 5 day's notice was not enough time to be placed on the agenda. However, that is in direct contradiction to their policy. Therefore, I requested to be on the November agenda. However, upon attending the meeting, I was not placed on the agenda and I had to speak during the public comments portion. The final result of that action was I was now addressing an issue that was two months old, my comments would not be recorded in the minutes and that members of the board were not required to answer or respond to any of my questions.

The discriminatory treatment of my son, my other children, and myself is because we are not local and did not graduate from this district. The community here is very rural and close knit. Nepotism is rampant within the Moniteau School District. There is only a very small percentage of the community with children who did not attend this district. Those of us who did not attend or graduate from this District, including our children are labeled as "Transplants." Transplants are discriminated against in every facet of the school. This ranges from the discipline received, to making a sports team, the grade earned in a class, who gets hired, fired or works for the district in any capacity.

Unfortunately, I had to remove (b)(6) Privacy from Moniteau and enrolled him in PA Cyber.

12 (A). My second son, (b)(6) Privacy has been experiencing retaliation from Mr. Markel at the same school since I have spoken in front of the school board. Mr. Markel and his wife were the only two teachers who had a combined three disciplinary reports in (b)(6) Privacy file the beginning of May 2018. Since speaking in front of the board in November, Mr. Markel would specifically identify Alex in the hallway between classes for wearing ear buds. Other students who were near or walking with him were not told to remove their ear buds or the larger Beats head phones.

After meeting with Mr. Markel, Ms. Schnell and Mr. Vogan (guidance counselor) to discuss the inconsistency of rule enforcement resulting in discrimination against (b)(6) Privacy, Moniteau's progressive disciplinary policy, has resulted in 3 days suspension and over 18 detentions, thus far. The administration deemed it irrelevant that (b)(6) Privacy was being singled out as Mr. Markel is "only human" and enforcing the rule as best he could.

Mr. Markel, even brought up the subject in front of the entire class that (b)(6) Privacy attends. Six students raised their hands that they wore ear buds in front of Mr. Markel, but none of the six had ever been disciplined by Mr. Markel or even asked to remove them.

12 (B). My third and youngest son, (b)(6) Privacy, who went to the high school for orientation experienced discriminatory behavior from various teachers when they learned he was the youngest of "those Coulter kids." Teachers rolled their eyes and even responded, "Oh, great" in a sarcastic tone.

EDUCATOR MISCONDUCT COMPLAINT

CONFIDENTIAL

Pursuant to section 9 of the Educator Discipline Act, 24 P.S. § 2070.9, the filing of a written educator misconduct complaint with the Department of Education will initiate the Department's review and investigation of an educator. Any person may file an educator misconduct complaint with the Department of Education. There is no limitations period for the filing of an educator misconduct complaint. However, you are strongly encouraged to file a complaint as soon as possible after learning of the educator's misconduct.

To file educator misconduct complaint, send this completed form, along with any relevant information or documentation to the **Pennsylvania Department of Education, Office of Chief Counsel, 333 Market Street, 9th Floor, Harrisburg, PA 17126-0333.**

1. EDUCATOR'S NAME: (First Name, Middle Initial, Last Name) Lance Fox
2. EDUCATOR'S PLACE OF EMPLOYMENT: (e.g., Name of School District and School Building; Charter School, Private School, etc.)
Moniteau School District High School
3. EDUCATOR'S JOB TITLE OR POSITION: Principal
4. EDUCATOR'S WORK ADDRESS: 1810 West Sunbury Road
5. EDUCATOR'S WORK TELEPHONE NUMBER: 724-637-2091
6. EDUCATOR'S HOME ADDRESS:
7. EDUCATOR'S HOME TELEPHONE NUMBER:
8. COUNTY AND STATE WHERE ALLEGED MISCONDUCT OCCURRED: Butler County PA
9. REASON FOR COMPLAINT: (Please check and complete)
☐ Criminal Charge(s): (Please list charge(s)/County/Court/Judge)
Charge(s):
County: Court: Judge:
☐ Criminal Conviction(s): (Please list crime(s)/County/Court/Judge)
Conviction(s):
County: Court: Judge:
XX ☐ Conduct inappropriate for an Educator (Detailed information to be provided below)

EDUCATOR MISCONDUCT COMPLAINT

10. DATE OF EDUCATOR'S MISCONDUCT: (Month, Day, Year) 09/14/2017
11. DATE YOU LEARNED ABOUT THE CONDUCT: (Month, Day, Year) 09/14/2017
12. DETAILED DESCRIPTION OF THE CONDUCT:
Please summarize the educator's conduct, providing specific examples of actions or words (attach additional sheets as necessary). Any supporting documentation should be attached to the complaint. Your description should answer the following questions: What happened? Who was involved? When and where did the conduct occur? Please also include victim's name, age and brief description, if applicable. Please also provide the names and contact information of any witnesses or other persons having information related to this matter.
Please see attached sheet.
13. If you have filed a complaint with any other entity such as the Pennsylvania Human Relations Commission, Children and Youth Services, U.S. Department of Education's Office for Civil Rights, Pennsylvania Department of Education's Bureau of Special Education, or have filed criminal or civil charges, please identify the entity and attach a copy of the complaint and/or charges.
Please see attached.
14. If you have contacted the superintendent, CEO of the charter school, school building administrators, or school board about this matter, please list the names of the individual(s) contacted, identify the position held by the individual(s) listed, and attach any documents such as letters or notes documenting your contacts.
Please see attached sheet.
15. COMPLAINANT'S CONTACT INFORMATION:
Name and Address: b(6) Privacy
Daytime Telephone Number: b(6) Privacy
Cell Phone Number: b(6) Privacy
Best time to contact you: AM

EDUCATOR MISCONDUCT COMPLAINT

16. VERIFICATION:

I verify, subject to the penalties of Section 4904 of the Pennsylvania Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities, that the information above and the facts contained in this complaint and attachments are true and correct to the best of my knowledge.

b(6) Privacy

Date: 5-30-18

CONFIDENTIALITY NOTICE

The educator misconduct complaint process is confidential and any unauthorized release of confidential information is a misdemeanor of the third degree. *See* 24 P.S. § 2070.17.2. All information relating to complaints must remain confidential unless or until public discipline is imposed. Thus, the filing of an Educator Misconduct Complaint, the Department's investigation of a complaint and the disposition of the complaint prior to the imposition of public discipline, as well as any and all information learned as a result of the Department of Education's investigation, is strictly confidential.

EDUCATOR MISCONDUCT COMPLAINT

CONFIDENTIAL

Pursuant to section 9 of the Educator Discipline Act, 24 P.S. § 2070.9, the filing of a written educator misconduct complaint with the Department of Education will initiate the Department's review and investigation of an educator. Any person may file an educator misconduct complaint with the Department of Education. There is no limitations period for the filing of an educator misconduct complaint. However, you are strongly encouraged to file a complaint as soon as possible after learning of the educator's misconduct.

To file educator misconduct complaint, send this completed form, along with any relevant information or documentation to the Pennsylvania Department of Education, Office of Chief Counsel, 333 Market Street, 9th Floor, Harrisburg, PA 17126-0333.

1. EDUCATOR'S NAME: (First Name, Middle Initial, Last Name) Aubrie Schnelle
2. EDUCATOR'S PLACE OF EMPLOYMENT: (e.g., Name of School District and School Building; Charter School, Private School, etc.)
Moniteau School District High School
3. EDUCATOR'S JOB TITLE OR POSITION: Assistant Principal
4. EDUCATOR'S WORK ADDRESS: 1810 West Sunbury Road
5. EDUCATOR'S WORK TELEPHONE NUMBER: 724-637-2091
6. EDUCATOR'S HOME ADDRESS:
7. EDUCATOR'S HOME TELEPHONE NUMBER:
8. COUNTY AND STATE WHERE ALLEGED MISCONDUCT OCCURRED: Butler County PA
9. REASON FOR COMPLAINT: (Please check and complete)

☐ Criminal Charge(s): (Please list charge(s)/County/Court/Judge)
Charge(s):

County:

Court:

Judge:

☐ Criminal Conviction(s): (Please list crime(s)/County/Court/Judge)
Conviction(s):

County:

Court:

Judge:

XX ☒ Conduct inappropriate for an Educator (Detailed information to be provided below)

EDUCATOR MISCONDUCT COMPLAINT

10. DATE OF EDUCATOR'S MISCONDUCT: (Month, Day, Year) 09/14/2017
11. DATE YOU LEARNED ABOUT THE CONDUCT: (Month, Day, Year) 09/14/2017
12. DETAILED DESCRIPTION OF THE CONDUCT:
Please summarize the educator's conduct, providing specific examples of actions or words (attach additional sheets as necessary). Any supporting documentation should be attached to the complaint. Your description should answer the following questions: What happened? Who was involved? When and where did the conduct occur? Please also include victim's name, age and brief description, if applicable. Please also provide the names and contact information of any witnesses or other persons having information related to this matter.
Please see attached sheet.
13. If you have filed a complaint with any other entity such as the Pennsylvania Human Relations Commission, Children and Youth Services, U.S. Department of Education's Office for Civil Rights, Pennsylvania Department of Education's Bureau of Special Education, or have filed criminal or civil charges, please identify the entity and attach a copy of the complaint and/or charges.
Please see attached.
14. If you have contacted the superintendent, CEO of the charter school, school building administrators, or school board about this matter, please list the names of the individual(s) contacted, identify the position held by the individual(s) listed, and attach any documents such as letters or notes documenting your contacts.
Please see attached sheet.
15. COMPLAINANT'S CONTACT INFORMATION:
Name and Address: b(6) Privacy
Daytime Telephone Number: b(6) Privacy
Cell Phone Number: b(6) Privacy
Best time to contact you: AM

EDUCATOR MISCONDUCT COMPLAINT

16. VERIFICATION:

I verify, subject to the penalties of Section 4904 of the Pennsylvania Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities, that the information above and the facts contained in this complaint and attachments are true and correct to the best of my knowledge.

b(6) Privacy

Date: 5-30-18

CONFIDENTIALITY NOTICE

The educator misconduct complaint process is confidential and any unauthorized release of confidential information is a misdemeanor of the third degree. *See* 24 P.S. § 2070.17.2. All information relating to complaints must remain confidential unless or until public discipline is imposed. Thus, the filing of an Educator Misconduct Complaint, the Department's investigation of a complaint and the disposition of the complaint prior to the imposition of public discipline, as well as any and all information learned as a result of the Department of Education's investigation, is strictly confidential.

EDUCATOR MISCONDUCT COMPLAINT

CONFIDENTIAL

Pursuant to section 9 of the Educator Discipline Act, 24 P.S. § 2070.9, the filing of a written educator misconduct complaint with the Department of Education will initiate the Department's review and investigation of an educator. Any person may file an educator misconduct complaint with the Department of Education. There is no limitations period for the filing of an educator misconduct complaint. However, you are strongly encouraged to file a complaint as soon as possible after learning of the educator's misconduct.

To file educator misconduct complaint, send this completed form, along with any relevant information or documentation to the **Pennsylvania Department of Education, Office of Chief Counsel, 333 Market Street, 9th Floor, Harrisburg, PA 17126-0333.**

1. EDUCATOR'S NAME: (First Name, Middle Initial, Last Name) Bryan Dean
2. EDUCATOR'S PLACE OF EMPLOYMENT: (e.g., Name of School District and School Building; Charter School, Private School, etc.)
Moniteau School District High School
3. EDUCATOR'S JOB TITLE OR POSITION: Teacher
4. EDUCATOR'S WORK ADDRESS: 1810 West Sunbury Road
5. EDUCATOR'S WORK TELEPHONE NUMBER: 724-637-2091
6. EDUCATOR'S HOME ADDRESS:
7. EDUCATOR'S HOME TELEPHONE NUMBER:
8. COUNTY AND STATE WHERE ALLEGED MISCONDUCT OCCURRED: Butler County PA
9. REASON FOR COMPLAINT: (Please check and complete)

☐ Criminal Charge(s): (Please list charge(s)/County/Court/Judge)
Charge(s):

County:

Court:

Judge:

☐ Criminal Conviction(s): (Please list crime(s)/County/Court/Judge)
Conviction(s):

County:

Court:

Judge:

XX ☐ Conduct inappropriate for an Educator (Detailed information to be provided below)

EDUCATOR MISCONDUCT COMPLAINT

10. DATE OF EDUCATOR'S MISCONDUCT: (Month, Day, Year) ~09/14/2017
11. DATE YOU LEARNED ABOUT THE CONDUCT: (Month, Day, Year) 09/14/2017
12. DETAILED DESCRIPTION OF THE CONDUCT:
Please summarize the educator's conduct, providing specific examples of actions or words (attach additional sheets as necessary). Any supporting documentation should be attached to the complaint. Your description should answer the following questions: What happened? Who was involved? When and where did the conduct occur? Please also include victim's name, age and brief description, if applicable. Please also provide the names and contact information of any witnesses or other persons having information related to this matter.
Please see attached sheet.
13. If you have filed a complaint with any other entity such as the Pennsylvania Human Relations Commission, Children and Youth Services, U.S. Department of Education's Office for Civil Rights, Pennsylvania Department of Education's Bureau of Special Education, or have filed criminal or civil charges, please identify the entity and attach a copy of the complaint and/or charges.
Please see attached.
14. If you have contacted the superintendent, CEO of the charter school, school building administrators, or school board about this matter, please list the names of the individual(s) contacted, identify the position held by the individual(s) listed, and attach any documents such as letters or notes documenting your contacts.
Please see attached sheet.
15. COMPLAINANT'S CONTACT INFORMATION:
Name and Address: b(6) Privacy
Daytime Telephone Number: b(6) Privacy
Cell Phone Number: b(6) Privacy
Best time to contact you: AM

EDUCATOR MISCONDUCT COMPLAINT

16. VERIFICATION:

I verify, subject to the penalties of Section 4904 of the Pennsylvania Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities, that the information above and the facts contained in this complaint and attachments are true and correct to the best of my knowledge.

b(6) Privacy

Date: 5-30-18

CONFIDENTIALITY NOTICE

The educator misconduct complaint process is confidential and any unauthorized release of confidential information is a misdemeanor of the third degree. *See* 24 P.S. § 2070.17.2. All information relating to complaints must remain confidential unless or until public discipline is imposed. Thus, the filing of an Educator Misconduct Complaint, the Department's investigation of a complaint and the disposition of the complaint prior to the imposition of public discipline, as well as any and all information learned as a result of the Department of Education's investigation, is strictly confidential.

LETTER SENT HOME WITH SP² ENTS.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monaca High School - Has Levels of Disinfection Byproducts (DBPs)

Name of Water System Customer
Above Drinking Water Standards

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We are required to monitor your drinking water for the presence of disinfection byproducts (DBPs) on a quarterly basis. The DBPs test results from the last four (4) quarters that ended on 09/30/2017 show that our system exceeds the standards, or maximum contaminant level (MCL) for haloacetic acids (HAA5). MCL for HAA5 is calculated based on locational running annual averages (LRAA) of samples collected from the last four (4) quarters. The LRAA of HAA5 at 704 Location is at 0.61 mg/L. This value exceeds the respective MCLs for HAA5 of 0.060 mg/L.

What should I do?

At this time, no alternative source of water is necessary. However, if you have any specific health concerns, consult your doctor.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Some people who drink water containing HAA5 in excess of the MCL over many years may have an increased risk of getting cancer.

What Happened? What is being done?

When disinfectants are used in the treatment of drinking water, disinfectants react with naturally-occurring organic and inorganic matter present in water to form DBPs. We are taking/have taken the following corrective actions: Lowered Chlorine Levels in Storage Tank & Replaced Filtration System

We anticipate resolving the problem within

DEC. 31 2017

(Estimated time frame)

If you have any questions, please contact

Jeff Campbell

(Name of water system contact)

at 724-637-2117

(Phone number)

20 West Sunbury Road, West Sunbury, PA, 16061

(Address of PWS contact)

Please share this information with all the other people who drink this water, especially those who have not received this notice directly (for example, people in apartments, nursing homes, hotels, and businesses). You can do this by posting this notice in a public place or by e-mailing it to your family and friends.

Date of this notice: 10/27/2017

Public notice number: 10102324

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
4. Disinfection Byproducts (DBPs). Byproduct Precursors, and Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water including trihalomethanes (THMs) and haloacetic acids (HAAs). ¹⁰			

80. Total trihalomethanes (TTHMs)	N/A	0.10/ 0.080 ^{10,11}	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their kidneys or central nervous system and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA)	N/A	0.060 ¹²	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
83. Chlorite	0.8	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 (MRDLG) ²	4.0 (MRDL) ²²	Some people who use drinking water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use drinking water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
86a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. <u>Add for public notification only:</u> The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.

Moniteau Jr/Sr High School
School Wide Discipline Form

b(6) Privacy

Referring Staff Mcfadden Grade 11 Date 8/31/17 Time 6⁰⁰

Was the Classroom Behavior Management Plan followed? Yes ☐ No ☐ N/A ☐

Teacher called parent: Date: _____ Time: _____ Result: No answer ☐ Left message ☐ Discussion ☐ N/A ☐

Phone Number(s) called: 1. _____ 2. _____ 3. _____

Location

☐ Auditorium ☒ Cafeteria ☐ Hallway ☐ Off Campus
☐ Bathroom/Restroom ☐ Classroom ☐ Library ☐ Stadium
☐ Bus Loading Zone/On Bus ☐ Gym ☐ Locker Room ☐ Other _____

Problem Behavior/Infraction

☐ Abusive/Inappropriate/Profane Language ☐ Driving/Parking Violation ☐ Out of Assigned Area
☐ Bomb Threat/False Alarm ☐ Drugs/Alcohol ☐ Property Damage/Vandalism
☐ Bullying ☐ Fighting ☐ Property Misuse
☐ Cellphone/Electronic Device Violation ☐ Horseplay ☐ Skip Class/Tuancy
☐ Cut Detention ☐ Inappropriate Display of Affection ☐ Tardy
☒ Defiance/Disrespect/Insubordination ☐ Inappropriate/Disorderly Conduct ☐ Tobacco
☐ Disruption ☐ Lying/Cheating ☐ Weapons
☐ Dress Code Violation ☐ Minor Altercation ☐ Other _____

Comments: Continued to argue w/ the lunch monitor who asked to remove his hat, continued to make comments

*****Administration Use Only*****

LEVEL	UNTIL DATE
1	10/26/17
2	10/21/17
3	9/28/17
4	9/14/17
5	
6	
7	
8	
9	
10	

Due Process:

1. Do you know/understand why you were referred to the office?
2. Can you explain to me what happened?
3. Would you like to make a written statement?
4. Do you understand the Levels of Progressive Discipline as they have been explained to you today?
5. Will this cause the student to exceed 10 cumulative days of suspension?

Yes ☒ No ☐
Yes ☒ No ☐
Yes ☐ No ☒
Yes ☒ No ☐
Yes ☒ No ☐

Administrative Decision

☒ Bus Suspension ☐ Driving/Parking Restriction ☐ Referred to Guidance
☒ Conference with Student ☐ Hall Pass Restriction ☐ Referred to SAP
☐ Citation ☐ Law Enforcement Contacted ☐ Restitution
☐ Conflict Resolution ☐ Loss of Privilege ☐ Warning
☐ Detention - Date(s) _____ ☒ Parent Contacted ☐ Other _____
☒ Out of School Suspension - # of Days 1 9/1/2017 724-636-5026 1202 PM ☐ In School Suspension - # of Days _____

Comments: _____

Anthony 8/31/2017 Robert Quinter 8/31/17
Administrator Signature Date Student Signature Date

MONITEAU JUNIOR-SENIOR HIGH SCHOOL

1810 West Sunbury Road, West Sunbury, PA 16061 Phone: (724) 637-2091

Fax: (724) 637-3878

www.moniteau.k12.pa.us

Dedicated to the past...committed to the future.

08/31/2017

Dear **b(6) Privacy**:

RE: **b(6) Privacy**, Grade 11, has received the following discipline
for DEFIANCE/INSUBORDINATION, INAPPROPRIATE BEHAVIOR IN CAFETERIA on 08/31/2017.

09/01/2017 OUT OF SCHOOL SUSPENSION, CONFERENCE WITH STUDENT, PARENT CONTACT

Because the student code of conduct is based on the concept of progressive discipline, students are encouraged to refrain from continued misbehavior that results in increased levels of disciplinary disposition. In other words, "continued misbehavior will result in stronger disciplinary actions."

If a student is assigned to Detention, Detention begins at 3:00PM and ends at 5:00PM. An activity bus is available for transportation home. Students are to report to the cafeteria at 2:35PM for Detention.

Please contact my office if you require any assistance in this matter.

Thank you.

Sincerely,



Mr. Lance Fox
Principal

Mrs. Aubrie Schnelle
Assistant Principal

Enclosure
cc: file

b(6) Privacy




Moniteau Jr/Sr High School
School Wide Discipline Form

Student(s) **b(6) Privacy** Referring Staff Dean Schnell Grade 11 Date 9/12/17 Time 5⁰⁰

Was the Classroom Behavior Management Plan followed? Yes No **N/A**

Teacher called parent: Date: Time: Result: No answer Left message Discussion N/A

Phone Number(s) called: 1. 2. 3.

Location

 Auditorium Cafeteria Hallway Off Campus
 Bathroom/Restroom Classroom Library Stadium
 Bus Loading Zone/On Bus Gym Locker Room Other

Problem Behavior/Infraction

 Abusive/Inappropriate/Profane Language Driving/Parking Violation Out of Assigned Area
 Bomb Threat/False Alarm Drugs/Alcohol Property Damage/Vandalism
 Bullying Fighting Property Misuse
 Horseplay Skip Class/Tuancy
 Inappropriate Display of Affection Tardy
 Inappropriate/Disorderly Conduct Tobacco
 Lying/Cheating Weapons
 Minor Altercation Other

Comments: Took a video during class of the water fountain
which was then uploaded to the Butler Eagle website by
someone.

Administration Use Only

LEVEL	UNTIL DATE
1	<u>11/23/2017</u>
2	<u>11/9/2017</u>
3	<u>10/24/2017</u>
4	<u>10/12/2017</u>
5	<u>9/28/2017</u>
6	
7	
8	
9	
10	

Due Process:

1. Do you know/understand why you were referred to the office? Yes No
2. Can you explain to me what happened? Yes No
3. Would you like to make a written statement? Yes No
4. Do you understand the Levels of Progressive Discipline as they have been explained to you today? Yes No
5. Will this cause the student to exceed 10 cumulative days of suspension? Yes No

Administrative Decision

 Bus Suspension Driving/Parking Restriction Referred to Guidance
 Conference with Student Hall Pass Restriction Referred to SAP
 Citation Law Enforcement Contacted Restitution
 Conflict Resolution Loss of Privilege Warning
 Detention - Date(s) Parent Other

 Out of School Suspension - # of Days 2 9/15/17 - 9/18/17 353pm In School Suspension - # of Days

Comments: Watched online video w/ Mr. Fox, Mr. Dean + Mr. Campbell. Spoke
on the phone w/ mom about the situation and resulting discipline.

[Signature] 9/14/2017

Administrator Signature

Date

Student Signature

Date

MONITEAU JUNIOR-SENIOR HIGH SCHOOL

1810 West Sunbury Road, West Sunbury, PA 16061 Phone: (724) 637-2091

Fax: (724) 637-3878

www.moniteau.k12.pa.us

Dedicated to the past...committed to the future.

09/18/2017

Dear **b(6) Privacy**:

RE: **b(6) Privacy**, Grade 11, has received the following discipline
for CELL PHONE VIOLATION on 09/12/2017.

09/15/2017, 09/18/2017 OUT OF SCHOOL SUSPENSION, CONFERENCE WITH STUDENT, PARENT
CONTACT

Because the student code of conduct is based on the concept of progressive discipline, students are encouraged to refrain from continued misbehavior that results in increased levels of disciplinary disposition. In other words, "continued misbehavior will result in stronger disciplinary actions."

If a student is assigned to Detention, Detention begins at 3:00PM and ends at 5:00PM. An activity bus is available for transportation home. Students are to report to the cafeteria at 2:35PM for Detention.

Please contact my office if you require any assistance in this matter.

Thank you.

Sincerely,



Mr. Lance Fox
Principal

Mrs. Aubrie Schnelle
Assistant Principal

Enclosure
cc: file

b(6) Privacy

Moniteau High School

Thursday, September 28, 2017

Progress Report for COULTER, ROBERT

DEAN PLANT SYSTEMS

Term1 Average: 57.5

Term1 Grade: 58

Final Average: 57.50

Final Grade: 58

Overall Rank: 12

Absent Days: 0

Tardy Days: 0

Grade Scale

A	90.00D	60.00
B	80.00E	0.01
C	70.00I	0.00

Score Information						
Name	Date	Category	Score	Max	%	Grd Footnote Mean
weekly	09/07/17	cp	40	50	80	49
weekly	09/07/17	cp	40	50	80	49
weekly	09/19/17	cp	25	50	50	47
notes	09/19/17	note shk	10	50	20	46
Term #1	Subtotal		57.5	100	57	58
						96

X = Exempt, NC = No Credit

Assignment Descriptions

weekly = 8/28-9-1

weekly = 9-4/8

weekly = 9/11-15

notes = external plant parts

Skill Information

Term #1

September 17, 2018

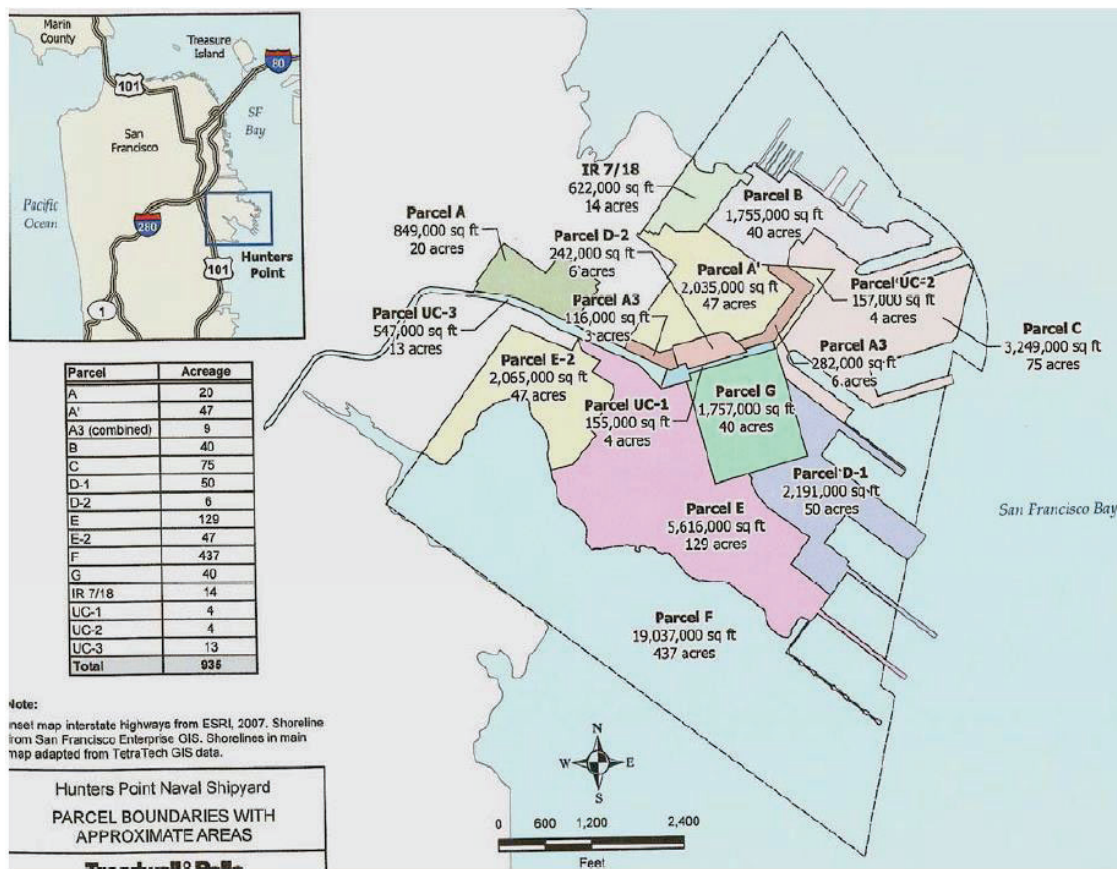
U.S. EPA Office of General Counsel
External Civil Rights Compliance Office
Mail Code: 2310A
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
[Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)

Andrew Wheeler Acting Administrator
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460
Wheeler.andrew@Epa.gov

CAlifornians for Renewable Energy, Inc. ("CARE"), Ex. 6, 7c, and Ex. 6, 7c Ex. 6, 7c ("Complainants") respectfully wish to file an administrative complaint under Title VI the Civil Rights Act of 1964, 28 U.S.C. § 1447, 42 U.S.C. §§ 1971, 1975a–1975d, 2000a– 2000h-6, and Executive Order 12898, as implemented by the Department of Defense at 32 CFR Part 195, against Tetra Tech (NASDAQ: TTEK), the City and County of San Francisco ("CCSF" or the "City" herein), the California Department of Toxic Substances Control, and the California Regional Water Quality Control Board, collectively known herein as the "regulators" and/or "respondents".

Complainants also wish to file an administrative complaint under the Emergency Planning and Community Right-to-Know Act ("EPCRA"). This is a 60-day notice to the EPA Administrator. The enforcement mechanism is the citizen-suit provision, § 11046(a)(1), which likewise authorizes civil penalties and injunctive relief, see § 11046(c). This provides that "any person may commence a civil action on his own behalf against . . . [a]n owner or operator of a facility for failure," among other things, to "[c]omplete and submit an inventory form under section 11022(a) of this title . . . [and] section 11023(a) of this title." § 11046(a)(1). As a prerequisite to bringing such a suit, the plaintiff must, 60 days prior to filing his complaint, give

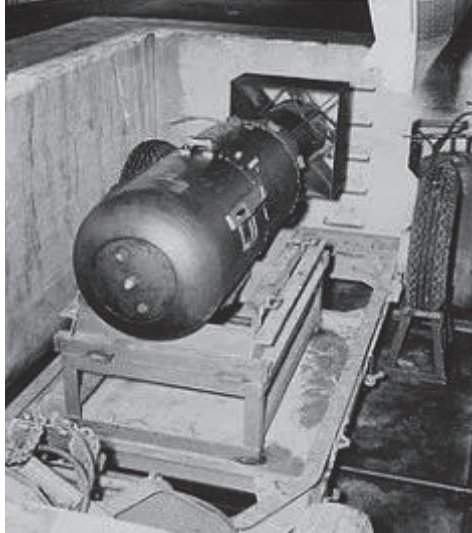
notice to the Administrator of the EPA, the State in which the alleged violation occurs, and the alleged violator. § 11046(d). The citizen suit may not go forward if the Administrator "has commenced and is diligently pursuing an administrative order or civil action to enforce the requirement concerned or to impose a civil penalty." § 11046(e). We identify the respondent City as the owner herein and the remaining respondents as operators of the facility for purposes of EPCRA.



HUNTERS POINT SHIPYARD
PARCEL BOUNDARIES A - G

Statement of Facts and Exhibits

The shipyard's history with radioactivity began decades ago when ships that had been used in the Pacific during nuclear bomb tests were brought to San Francisco to be cleaned with sandblast grit.



“The atom bomb “Little Boy” sailed from the Hunters Point Shipyard and on Aug. 6, 1945, was dropped on Hiroshima, killing 140,000 people by the end of that year.” ¹

From 1946 to 1969, the shipyard also housed the Naval Radiological Defense Laboratory (NRDL), which used radioactive materials on rats, dogs and other animals to determine the effects of radiation on living organisms. NRDL conducted experiments with highly radioactive materials like uranium and plutonium. The shipyard also processed radioactive [glow in the dark] radium dials and markers. The experiments produced barrels of radioactive waste and leached radioactivity into the buildings, sewage & drainage pipes and soil. Most shipyard operations ceased in 1974, and it was shut down as part of the U.S. Base Realignment and Closure process in 1991.

Since then, the Navy, the City, Congressional member Nancy Pelosi², Senator Dianne Feinstein & former Mayor Gavin Newsom³, have been trying to orchestrate

¹ Source: <http://sfbayview.com/2009/08/the-bomb-in-our-back-yard/> accessed 9/17/2018.

² Source: <https://sfenvironment.org/es/news/press-release/historic-82-million-for-hunters-point-clean-up> accessed 9/17/2018.

³ Hunters Point Shipyard: A Shifting Landscape - Civil Grand Jury City and County of San Francisco 2010-2011 (April 15, 2011) http://civilgrandjury.sfgov.org/2010_2011/Hunters_Point_Shipyard.pdf

a federal cleanup and transfer of the shipyard to the City's jurisdiction, where a developer Lennar [AKA: FivePoint⁴] plans to build more than 10,500 housing units, a hotel, schools and retail space on about 500 acres.

Section 304 of the Emergency Planning and Community Right-to-Know Act ("EPCRA") specifies Emergency Release Notification Requirements as follows, "Information about accidental chemical releases must be made available to the public."

U.S. EPA⁵ requires "immediate" notice of any releases under EPCRA and describes the contents of this public notice as follows, "If such an accidental release occurs, the facility must immediately notify [] any area likely to be affected by the release. In addition, spills of CERCLA hazardous substances must also be reported to the NRC [Nuclear Regulatory Commission] at (800) 424-8802. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the local operator. The emergency notification must include.

- The chemical name
- An indication of whether the substance is extremely hazardous
- An estimate of the quantity released into the environment
- The time and duration of the release
- Whether the release occurred into air, water, and/or land
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
- Proper precautions, such as evacuation or sheltering in place
- Name and telephone number of contact person"

⁴ See: <https://www.fivepoint.com>

⁵ See: <https://www.epa.gov/epcra/epcra-section-304>

EPCRA establishes a framework of state, regional, and local agencies designed to inform the public about the presence of hazardous and toxic chemicals, and to provide for emergency response in the event of health-threatening release. Central to its operation are reporting requirements compelling users of specified toxic and hazardous chemicals to file annual "emergency and hazardous chemical inventory forms" and "toxic chemical release forms," which contain, *inter alia*, the name and location of the facility, the name and quantity of the chemical on hand, and, in the case of toxic chemicals, the waste-disposal method employed and the annual quantity released into each environmental medium. 42 U. S. C. §§ 11022 and 11023. The hazardous-chemical inventory forms for any given calendar year are due the following March 1st, and the toxic-chemical release forms the following July 1st. §§ 11022(a)(2) and 11023(a).

Questions over the accuracy of Tetra Tech's soil tests emerged in 2012 when the Navy flagged anomalies in the soil data gathered on one piece of the site. Despite that discovery — and a chorus of whistle-blowers who repeatedly told regulators and media outlets that Tetra Tech was lying — the \$1 billion cleanup sped forward. The Navy allowed Tetra Tech to investigate and essentially exonerate itself, and the Navy and regulators continued to let Tetra Tech vouch for the safety of other pieces of the site, including the parcels now in question.

One of the parcels, known as D-2, bulges up to Parcel A along its southern edge. The other three are "utility corridors" that touch Parcel A, thin strips of land called UC-1, UC-2 and UC-3. While UC-3 is still owned by the Navy, the other three parcels were transferred in 2015 to the City's Office of Community Investment and Infrastructure.

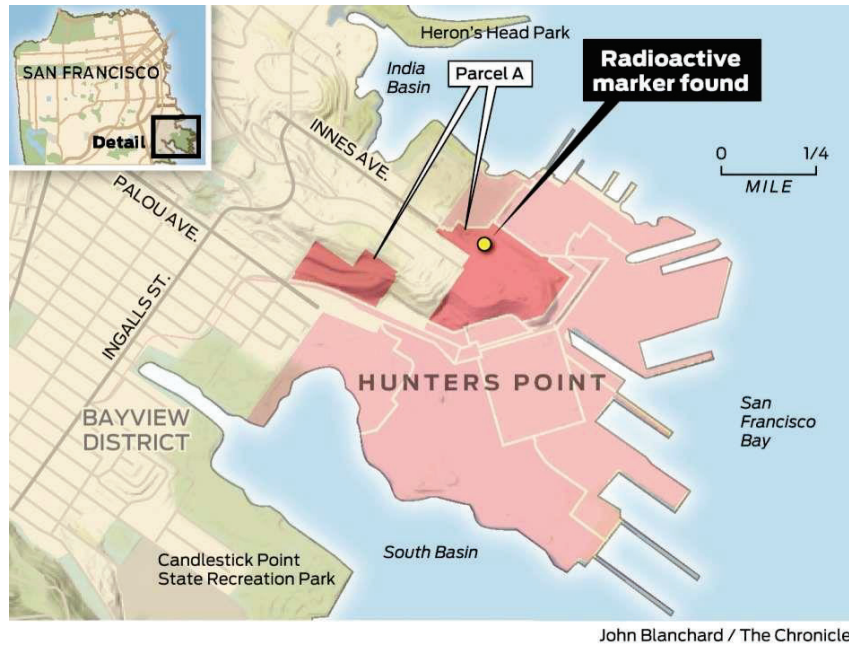
Tetra Tech was heavily involved. Not only did the company collect the radiation data on those parcels, Tetra Tech entities also wrote the official documents that declared the parcels suitable for transfer to the City. And the regulators signed off.

On four portions of the former Hunters Point Naval Shipyard nearly all the radioactivity measurements that were used to confirm the soil's safety are "suspect," according to a released analysis by the U.S. Environmental Protection Agency. The measurements were collected by the Navy contractor Tetra Tech. The EPA discovered "a widespread pattern of practices that appear to show deliberate falsification." [Exhibit A dated December 27, 2017]

Over the past year, the Navy and EPA have found similar problems with soil data in other parcels at the shipyard. But those parcels haven't been handed off to the City for development to begin. This is the first time that regulators have discovered evidence of probable fraud in shipyard land that was already turned over to the City.

Although the four parcels in question are relatively small, they sit next to a 75-acre tract known as Parcel A, where Lennar already has built about 300 homes and where people live and work. Because by federal law no land at the site can be transferred to the City without extensive checks for pollution, the transfer of these parcels' points to broader dysfunction in the vetting process for all land at the former shipyard.

The EPA documented its findings in a March report [Exhibit B dated March 30, 2018] that was sent to several public agencies, including the San Francisco Department of Public Health, which is responsible for monitoring the cleanup. The report contradicts the City's recent assurances that the shipyard is safe. However, the report was withheld from the public by the EPA the other regulators and the City. Instead it was obtained through a Freedom of Information Act request by Public Employees for Environmental Responsibility, an environmental watchdog nonprofit corporation in Washington, D.C. [Exhibits C dated April 9, 2018 and D dated May 23, 2018].



A September 13, 2018 San Francisco Chronicle article⁶ reported,

“A highly radioactive object has been discovered at the former Hunters Point Naval Shipyard next to a housing area that has been declared safe and free of radioactive contamination for more than a decade, The Chronicle has learned.

The object — a radium deck marker about the size of a silver dollar, 1½ inches across — was unearthed Tuesday [9/11/18] on a grassy slope beneath a stretch of newly built condos, less than a foot below ground. The state health department revealed the information Thursday in a “Progress Update” letter sent to the shipyard homeowners’ association and obtained by The Chronicle.

The housing area is known as Parcel A. The California Department of Public Health is scanning it for radioactivity after revelations that employees of the Navy’s main cleanup contractor, Tetra Tech, faked

⁶ <https://www.sfchronicle.com/bayarea/article/Radioactive-object-found-near-homes-at-Hunters-13228476.php> accessed 9/17/2018.

radiation measurements in other parts of the shipyard. Parcel A residents and city officials demanded a test after whistle-blowers and media reports raised the possibility that some of those problems may have extended to Parcel A, where 300 housing units have been completed and an additional 150 are under construction.

But the discovery of a radium device is startling because the city and multiple government agencies have said for years that any contamination on Parcel A was cleaned up long ago. The Navy transferred the 75-acre parcel to the city in 2004. The land is now owned by home builder and developer Lennar Corp. Public officials have repeatedly assured residents that no harmful radioactivity exists near their homes and they have nothing to worry about.

Even after the state agreed to perform the new scan, public officials insisted that the parcel is clean and the scan was a mere formality.

‘The contamination has been cleaned up,’ Amy Brownell, environmental engineer for the San Francisco health department, said in May during a tour of Parcel A. ‘We can say definitively there are no public safety concerns or health concerns out here.’”

EJSCREEN is an environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach that combines environmental and demographic indicators in maps and reports. This can help to highlight geographic areas and the extent to which they may be candidates for further review, including additional consideration, analysis or outreach. To access the application, navigate to <https://www.epa.gov/ejscreen> The Hunters Point shipyard EJSCREEN Census 2010 Summary Report [Exhibit E herein accessed 5/9/2018] with a Location, User-specified point center at 37.72229, -122.36732,

and with Ring (buffer) within 1.0-mile radius of the shipyard the report describes the impacted population of 3,994 persons within the area of analysis. Of those persons within 1.0-mile radius of the shipyard only 373 are White or about 9% of that population, with 91% of the population impacted being Non-white. 2,120 persons are identified as Black, or 53% of the total population within the analysis area.

Complaint

Through accident or intention by failing to notify the surrounding low-income community of color adversely affected by ongoing exposure to toxins including radioactive substances in the Hunters Point shipyard, respondents all of them have engaged in a pattern and practice of willful misconduct using gross negligence as their avenue for violations of Title VI and EPCRA.

Complainants allege a continuing and/or imminent violation of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA), 42 U. S. C. § 11046, Title VI the Civil Rights Act of 1964, 28 U.S.C. § 1447, 42 U.S.C. §§ 1971, 1975a–1975d, 2000a–2000h-6, and Executive Order 12898, as implemented by the Department of Defense at 32 CFR Part 195.

In accordance with EPA regulations, at 40 CFR Part 7, the general rule is that EPA only will accept complaints filed within 180 days of the discriminatory act. The Case Resolution Manual states (at pages 9-10): “...ECRCO will accept as timely only those allegations that have been filed within 180 calendar days of the date of the last act of alleged discrimination”. Following EPA’s March report [Exhibit B] dated March 30, 2018, the respondents had the opportunity to comply with Title VI and EPCRA, so that suggests that **180 days** later would be September 26, 2018. The radium deck marker discovered September 11, 2018 on property transferred to City provided another opportunity to comply with Title VI and EPCRA. Unfortunately, neither evidence of compliance nor a schedule for compliance has been provided.

Title VI of the Civil Rights Act states that: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Complainants allege violations of Title VI by respondents' failure to notify the entire population affected by exposure to toxic substances originating from the shipyard.⁷ The respondents' activities receiving EPA financial assistance are identified as follows.

On August 14, 2017 Tetra Tech issued a Press Release announcing Tetra Tech was Awarded a \$113 Million Contract to Support EPA's Watershed Protection Program. [See Exhibit F herein]

The City and County of San Francisco (CCSF) have direct authority over Amy Brownell, of the San Francisco Department of Public Health, the CCSF person copied on EPA's letters in Exhibits A and B. According the S.F. Department of Environment website "San Francisco Receives \$600,000 in U.S. EPA Brownfield Grant Awards for Assessment and Job Training". [See Exhibit G accessed 5/21/2018]

According to a News Release issued September 21, 2017 "The U.S. Environmental Protection Agency has awarded \$22.94 million to the California Department of Toxic Substances Control ["DTSC"] to support their hazardous waste management and reduction activities." [See Exhibit H accessed 6/15/2018] EPA's letter in Exhibit A was copied to Julie Pettijohn, DTSC, and Exhibit B was copied to Nina Bacey, DTSC.

⁷ This exposure is not just limited to those affected within 1.0-mile radius of the shipyard. In 2017, two former supervisors for Tetra Tech, pleaded guilty to swapping contaminated dirt with clean soil to make it appear that tainted areas were free of harmful radiation. They were both sentenced to eight months in prison. It is reasonable to infer that contaminated soil was transferred to unqualified disposal sites not equipped for the type of soil being transferred from the shipyard.

According to a News Release issued February 13, 2018 “EPA awarded the State Water Resources Control Board a total of \$172.3 million to capitalize its clean water and drinking water State Revolving Fund programs.” [See Exhibit I accessed 6/15/2018] The State Water Resources Control Board has oversight over the Regional Water Boards (“RWQCB”). EPA’s letter in Exhibit A copied Alec Naugle, California Regional Water Quality Control Board, and EPA’s letter in Exhibit B was copied to David Tanouye, RWQCB.

Damages are authorized by EPCRA, payable to the United States Treasury, therefore Complainants seek all EPA financial assistance received by respondents to be refunded by respondents, payable to the United States Treasury. Until respondents establish compliance or a schedule of compliance, Complainants request respondents be found ineligible for receipt of further federal financial assistance.

Respectfully submitted,

Ex. 6, 7c

San Francisco, CA 94124

Ex. 6, 7c

Soquel, CA 95073

E-mail: Ex. 6, 7c

Cc

By U.S. Mail,

Tetra Tech, Inc. California Agent for Service

City Attorney Dennis Herrera City and County of San Francisco

California Department of Toxic Substances Control

California Regional Water Quality Control Board San Francisco Bay Regional Board

The White House: President Donald Trump

By E-mail

City and County of San Francisco Office of the Controller whistleblower@sfgov.org

Barbara Lee Director DTSC DTSCDirectorsOffice@dtsc.ca.gov

Exhibit A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA

December 27, 2017

George ("Pat") Brooks
US Department of the Navy
33000 Nixie Way, Bldg 50
San Diego, CA 92147

Dear Mr. Brooks:

Thank you for providing for review the *Draft Radiological Data Evaluation Findings Report for Parcels B and G Soil* ("Report"), Former Hunter's Point Naval Shipyard (HPNS), September 2017. The U.S. Environmental Protection Agency (EPA), the California Department of Toxic Substances Control (DTSC), and the California Department of Public Health (CDPH) have independently reviewed this report in detail with a technical team including national experts in health physics, geology, and statistics, and EPA's comments are attached.

In Parcel B, the Navy recommended resampling in 15% of soil survey units in trenches, fill, and building sites. EPA, DTSC, and CDPH found signs of potential falsification, data manipulation, and/or data quality concerns that call into question the reliability of soil data in an additional 76% of survey units, bringing to 90% the total suspect soil survey units in Parcel B. (These do not add exactly due to rounding) In Parcel G, the Navy recommended resampling 49% of survey units, and regulatory agencies recommended 49% more, for a total of 97% of survey units as suspect.

Below are examples of observed forms of potential falsification, data manipulation or data quality concerns identified in reviews by EPA, DTSC, and CDPH:

- In Parcel G, in nearly a third of trench units, gamma scans of soil surfaces after excavation showed a need for further biased soil samples to be collected, but they were not.
- In Parcel G, out of the 43 trench units that the Navy had not already recommended resampling:
 - Over half had inconsistencies between gamma scan and static data and over one-third had other types of inconsistencies (e.g. on-site and off-site lab results differ by more than 10 times, plots showed signs that multiple sources of soil were likely in the data set, etc.)
 - In a third, the narrow range of gamma static data indicates measurements were not collected from different locations, as required.
 - In six, some data were missing so some evaluations could not be done.
 - In a few trench units, biased sample results appeared lower than other data sets. Biased samples are supposed to be collected in locations of highest scan results, so they would be expected to be higher, not lower, than other data sets collected in random locations.
 - Other concerns were found through data evaluation, and most trench units showed red flags of multiple types.
- In Parcel B, in some samples, the weights recorded for the onsite lab differed significantly from that recorded for what should be the same sample sent to the offsite lab.

- In Parcel B, in some samples, the weights recorded for the onsite lab differed significantly from that recorded for what should be the same sample sent to the offsite lab.
- Generally, data from Parcel B trench units show fewer examples of signs of deliberate falsification, but they show more frequent examples of data quality concerns. For example, a quarter of trench unit reports were missing gamma scan and static data. Many lab results were zero or negative numbers.

In summary, the data analyzed demonstrate a widespread pattern of practices that appear to show deliberate falsification, failure to perform the work in a manner required to ensure ROD requirements were met, or both.

We look forward to working with the Navy to scope out and begin the sampling component of the radiological assessment effort as soon as possible. If you would like to discuss any of these comments, please contact me at 415-972-3005 or chesnutt.john@epa.gov. You may also contact Lily Lee, Remedial Project Manager, on my staff at 415-947-4187 or lcc.lily@epa.gov.

Sincerely,



John Chesnutt
Manager, Pacific Islands and Federal Facilities Section
Superfund Division

Attachments

cc: Julie Pettijohn, DTSC
Sheetal Singh, CDPH
Alec Naugle, California Regional Water Quality Control Board
Amy Brownell, San Francisco Department of Public Health

Exhibit B



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX
75 Hawthorne Street
San Francisco, CA

March 30, 2018

George ("Pat") Brooks
US Department of the Navy
33000 Nixie Way, Bldg 50
San Diego, CA 92147

Dear Mr. Brooks:

Thank you for providing for review the *Draft Radiological Data Evaluation Findings Report for Parcels D-2, UC-1, UC-2, UC-2, and UC-3 Soil* ("Report"), Former Hunter's Point Naval Shipyard, October 2017. The U.S. Environmental Protection Agency (EPA), the California Department of Toxic Substances Control (DTSC), and the California Department of Public Health (CDPH) have independently reviewed this report in detail with a technical team including national experts in health physics, geology, and statistics, and EPA's comments are attached.

In these parcels, the Navy recommended resampling in 61% of soil survey units in trenches and fill. EPA, DTSC, and CDPH found signs of potential falsification, data manipulation, and/or data quality concerns that call into question the reliability of soil data in an additional 32% of survey units, bringing to 93% the total suspect units. In summary, the data analyzed demonstrate a widespread pattern of practices that appear to show deliberate falsification, failure to perform the work in a manner required to ensure ROD requirements were met, or both.

Attached are 1) narrative comments, 2) spreadsheets with reviews of individual trench units, and 3) spreadsheets for fill units. EPA previously submitted comments December 29, 2018, on the Navy's similar report for Parcels B and G. Most of these previous comments address the overall evaluation, so they also apply to this report. They are not repeated in the attached narrative comments but are incorporated by reference.

We look forward to working with the Navy to scope out and begin the sampling component of the radiological assessment effort as soon as possible. If you would like to discuss any of these comments, please contact me at 415-947-4187 or lee.lily@epa.gov. You may also contact my manager John Chesnutt at 415-972-3005 or chesnutt.john@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lily Lee", is positioned above the typed name.

Lily Lee, Remedial Project Manager

Attachments

cc: Nina Bacey, DTSC
Tracy Jue, CDPH
David Tanouye, RWQCB
Amy Brownell, SFDPH

**USEPA Review of the Draft Radiological Data Evaluation Findings Report for
Parcels D2, UC-1, UC-2, UC-3 Soil, Former Hunter's Point Naval Shipyard,
San Francisco, California, Draft dated October 2017
USEPA Comments dated March, 2018**

GENERAL COMMENTS

1. EPA previously submitted comments December 29, 2018, on the Navy's similar report for Parcels B and G. Most of these previous comments address the overall evaluation, so they also apply to this report. They are not repeated in the attached narrative comments but are incorporated by reference.
2. Section 1 (Introduction) of the *Draft Radiological Data Evaluation Findings Report for Parcels D-2, UC-1, UC-2, and UC-3 Soil, Former Hunter's Point Naval Shipyard, October 2017* (the Report) should clarify the authors of the report. Section 1 states that the Navy assembled a Technical Team (a group of technical experts) that includes representatives from the regulatory agencies. That statement would only be appropriate if the final version presents a consensus conclusion. If, however, the next version of the report intends to place regulatory reviews in a separate part of the report, then please revise the language accordingly to reflect accurately any relevant distinctions.
3. The Report includes language about a proposal to reanalyze archived samples (e.g. in Section 4, page 4-1, bullet 2. However, the Navy has not recommended this approach for any of the survey units in this report. For clarity, please either add to the text that this approach was considered but has not been recommended for any of the Parcels in this report or just remove it from both the text and from the Figures in Section 4 that reference this approach. For the record, EPA previous comments rejected this approach for several reasons.
4. In these parcels, the Navy recommended resampling in 61% of soil survey units in trenches and fill. EPA, DTSC, and CDPH found signs of potential falsification, data manipulation, and/or data quality concerns that call into question the reliability of soil data in an additional 32% of survey units, bringing to 93% the total suspect soil survey units. In summary, the data analyzed demonstrate a widespread pattern of practices that appear to show deliberate falsification, failure to perform the work in a manner required to ensure ROD requirements were met, or both. Please see attached tables that summarize the results in the attached spreadsheets.
5. Biased samples were not collected for several trench units (TUs). The text states that the Survey Unit Project Report (SUPR) for a TU indicated "no additional biased sampling was performed since the bottom of the trench was native serpentine rock." In several cases, biased sampling should have been done because elevated concentrations were found in removed piping. Because required biased samples were not collected, the recommendations for these TUs should include additional data collection to provide sufficient data to demonstrate compliance with the ROD requirements. Please revise the Report to recommend additional sample collection to address this deficiency at TUs where biased samples were not collected in areas where gamma scan surveys indicated elevated activity.

SPECIFIC COMMENTS

- 1. Section 4.2.1.1, Trench Unit 140, Page 4-4:** The recommendation for confirmation sampling should also include the need to conduct a gamma scan. This trench unit (TU) was identified for confirmation sampling based on elevated gamma scan readings of up to 11,190 counts per minute (cpm) compared to the investigation level of 7,013 cpm because there was no response to address the elevated gamma scan readings. To locate the elevated gamma scan readings, it will be necessary to excavate this trench and rescan the trench walls and bottom. Please ensure that TU140 is classified as a Class 1 Survey Unit (SU) and a new Final Status Survey (FSS), which includes a gamma scan survey, is recommended for TU 140 and for all other TUs where the problem of failing to respond to elevated gamma scan results was identified.
- 2. Section 4.2.1.1, Trench Unit 147, Page 4-5:** This TU was recommended for resampling because biased samples were not collected and because the final systematic sample results were suspect; however, the low end of the gamma scan was unusually low (940 cpm), so this TU should also be recommended for a new Class 1 SU FSS which includes a gamma scan survey. Please revise the recommendation to specify that TU 147 will be classified as a Class 1 SU and will be subject to a new FSS.
- 3. Section 4.4.1.1, Trench Unit 177, Page 4-17 and Trench Unit 190, Pages 4-17 and 4-18:** The text states that “inconsistencies were observed in data from the adjacent trench unit” (TU 178), but the text does not include a subsection discussing TU 178. There is a similar statement about TU 180 in the discussion of Trench Unit 190, but TU 180 is not included in the text. Please revise the text to include subsections that discuss the data inconsistencies in TU 178 and TU 180.

Table 1 – Summary of Reviews of Trench and Fill Units

	Trench	Fill	Building Sites	Total	% of total
Tota Survey Units in Parcels UC-1,2,3 & D-2	48	80	0	128	100%
Navy recommended resampling	23	55	0	78	61%
Navy recommended reanalyzing archived samples	2	0	0	2	2%
EPA, CDPH, DTSC recommend resampling	18	23	0	41	32%
Total recommended resampling	41	78	0	119	93%
No signs of falsification found in data	6	2	0	8	6%
EPA not yet reviewed	1	0	0	0	0%
% of total recommended resampling	85%	98%	N/A	93%	

The above was for these parcels alone. Below is for entire Shipyard.

Total Survey Units in Hunters Pt Tetra Tech EC	305	514	*
Parcels D-2 & UC-1,2,3 as % of total	16%	16%	*

Table 2 – Summary of Reviews of Trench Units, by Parcel

Number of TU's				Total	% of Parcel UC's & D-2 total	
Parcel D-2	Parcel UC-1	Parcel UC-2	Parcel UC-3			
7	12	8	21	48	100%	Total trench units in Parcel UC's & D-2
<i>Navy reviewed all Trench Units to look for signs of potential falsification</i>						
1	9	8	5	23	14%	Navy recommended confirmation sampling due to signs of potential falsification
0	0	0	0	0	0%	Navy recommended reanalysis of archived samples
6	3	0	16	25	86%	Navy recommended NFA = No further action due to signs of falsification,
<i>EPA reviewed the Trench Units recommended for NFA</i>						
2	0	0	4	6	29%	but potential further action due to uncertainty
0	0	0	0	0	0%	EPA score 0 = No specific findings of particular concern
4	3	0	11	18	57%	EPA Score 1 = Need further review
<i>Total Navy and EPA recommend for resampling</i>						
5	12	8	16	41	71%	EPA Score 2 = Need resampling before determination that the record supports ROD requirements met

Table 3 – Summary of Reviews of Fill Units, by Parcel

	Total	% of total	D-2	UC-1	UC-2	UC-3
Total Survey Units in Parcels UC-1,2,3 & D-2	80	100%	5	26	20	29
Navy recommended resampling	55	69%	4	14	13	24
Navy recommended reanalyzing archived samples	0	0%	0	0	0	0
DTSC recommended resampling	23	29%	1	12	6	4
Total recommended resampling	78	98%	5	26	19	28
No signs of falsification found in data	2	3%	0	0	1	1
% of total recommended resampling	98%		100%	100%	95%	97%

Exhibit C

Exhibit D

News

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For Immediate Release: May 23, 2018

Contact: Kirsten Stade (202) 265-7337

HUNTERS POINT RADIATION PROBLEMS WORSEN

Navy Says Tetra Tech Building Radiation Survey Data Are Also Bogus

 Posted on May 23, 2018 | Tags: [California](#), [DOD](#), [EPA](#)

Washington, DC — The U.S. Navy has found “data manipulation and/or falsification” afflicting years of radiation surveys on the buildings at San Francisco’s Hunters Point shipyard, invalidating its contractor’s claims the buildings are safe for “unrestricted release,” according to a Navy report posted today by Public Employees for Environmental Responsibility (PEER). This finding compounds the growing scandal over fraudulent soil samples by the contractor Tetra Tech and pushes the costs and schedule for the nearly 30-year cleanup of this Superfund site deeper into limbo.

The Navy’s March 2018 “Building Radiation Data Initial Evaluation Report” confirms data manipulation allegations by former Tetra Tech employees. It reexamines Tetra Tech radiation surveys submitted from 2008 through 2016 for 28 buildings on six parcels covering most of the 500-acre site and concludes that “the surveys have been falsified and cannot be used.” Among other flaws, the report points to –

- Improper radiation scan speeds “in nearly all survey units” thus rendering its recorded data useless. Moving the scan too rapidly above its design rate prevents accurate detection of radiation levels;
- Evidence of “duplicated data strings” for more than half the buildings, meaning that the exact same printout appears to have been cut and pasted for use on multiple structures; and
- The potential for even more data shortcomings: “This report cannot verify that additional portions of the database have not been manipulated.”

“Contrary to the old saying, the figures apparently do lie at Hunters Point,” stated PEER Executive Director Jeff Ruch, who revealed last month that the U.S. Environmental Protection Agency determined nearly all the Tetra Tech soil samples on a large portion of the site were “neither reliable nor defensible.” “Now we know there was falsification not just of soil contamination measures, but also of the buildings.”

Buildings inappropriately declared clean can be leased out for reuse or torn down and their debris shipped to disposal or recycling sites not designed or licensed for radioactive waste.

Significantly, the report did not review any building in Parcel A, the 75-acre portion of the site already turned over to the city and redeveloped, claiming there were “no data” available to reevaluate. This gap does little to dispel growing concern about the true level of contamination on the small portion of the site already declared clean.

While the Navy is responsible for decontaminating the site, EPA is supposed to make sure the work is complete and correct. Neither agency, however, has indicated what steps will be taken to right this reeling remediation. Much of the key information, such as this latest Navy report, is not made publicly available.

“Instead of moving forward, the Hunters Point cleanup is careening in reverse,” added Ruch, noting that every charge the Tetra Tech whistleblowers have made is being verified, one after another. “To get to the bottom of this mess, perhaps the Tetra Tech whistleblowers should be put in charge.”

###

[Read key excerpts](#)
[View the entire report](#)
[Look at fraudulent Hunters Point soil sampling](#)

Exhibit E

EJSCREEN Census 2010 Summary Report



Location: User-specified point center at 37.72229, -122.36732

Ring (buffer): 1.0-mile radius

Description:

Summary		Census 2010
Population		3,994
Population Density (per sq. mile)		2,577
Minority Population		3,816
% Minority		96%
Households		1,248
Housing Units		1,348
Land Area (sq. miles)		1.55
% Land Area		60%
Water Area (sq. miles)		1.03
% Water Area		40%

Population by Race	Number	Percent
Total	3,994	-----
Population Reporting One Race	3,689	92%
White	373	9%
Black	2,120	53%
American Indian	25	1%
Asian	333	8%
Pacific Islander	355	9%
Some Other Race	483	12%
Population Reporting Two or More Races	305	8%
Total Hispanic Population	867	22%
Total Non-Hispanic Population	3,127	78%
White Alone	178	4%
Black Alone	2,074	52%
American Indian Alone	9	0%
Non-Hispanic Asian Alone	320	8%
Pacific Islander Alone	339	8%
Other Race Alone	4	0%
Two or More Races Alone	204	5%

Population by Sex	Number	Percent
Male	1,833	46%
Female	2,161	54%

Population by Age	Number	Percent
Age 0-4	388	10%
Age 0-17	1,327	33%
Age 18+	2,667	67%
Age 65+	270	7%

Households by Tenure	Number	Percent
Total	1,248	
Owner Occupied	312	25%
Renter Occupied	936	75%

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

Source: U.S. Census Bureau, Census 2010 Summary File 1.

Exhibit F

98.248.118.246



Tetra Tech Awarded \$113 Million Contract to Support EPA's Watershed Protection Program

August 14, 2017 09:00 AM Eastern Daylight Time

PASADENA, Calif.--(BUSINESS WIRE)--Tetra Tech, Inc. (NASDAQ: TTEK) announced today that it has been awarded a five-year, \$113 million contract to provide technical support services for the U.S. Environmental Protection Agency (EPA) Office of Water. Under this multiple-award contract, Tetra Tech will support the EPA Office of Water's Assessment and Watershed Protection Division in its efforts to assess and monitor water quality conditions, develop comprehensive tools to promote watershed protection, study point and nonpoint source pollution, and develop strategies for ecosystem restoration.

Tetra Tech will provide technical services to support the EPA's mission in meeting the broad requirements under the Clean Water Act which affect rivers, lakes, streams, wetlands, and coastal waters in the United States. These services include the development of water quality and economic models, preparation of technical guidance documents and analytical methods, and development of innovative management strategies to protect and reuse watershed. Tetra Tech will work with EPA regions, states, and other stakeholders on data analytics and the interpretation of water quality, land-use, and spatial data.

"Tetra Tech's scientists and researchers have supported EPA's watershed management programs continuously since 1989," said Dan Batrack, Tetra Tech Chairman and CEO. "We are pleased to continue developing innovative tools for EPA that advance the science of watershed assessment and protection of our nation's water resources."

About Tetra Tech

Tetra Tech is a leading, global provider of consulting and engineering services. We are differentiated by *Leading with Science®* to provide innovative technical solutions to our clients. We support global commercial and government clients focused on water, environment, infrastructure, resource

management, energy, and international development. With 16,000 associates worldwide, Tetra Tech provides clear solutions to complex problems. For more information about Tetra Tech, please visit tetratech.com, follow us on Twitter ([@TetraTech](https://twitter.com/TetraTech)), or like us on [Facebook](https://www.facebook.com/TetraTech).

Any statements made in this release that are not based on historical fact are forward-looking statements. Any forward-looking statements made in this release represent management's best judgment as to what may occur in the future. However, Tetra Tech's actual outcome and results are not guaranteed and are subject to certain risks, uncertainties and assumptions ("Future Factors"), and may differ materially from what is expressed. For a description of Future Factors that could cause actual results to differ materially from such forward-looking statements, see the discussion under the section "Risk Factors" included in the Company's Form 10-K and 10-Q filings with the Securities and Exchange Commission.

Contacts

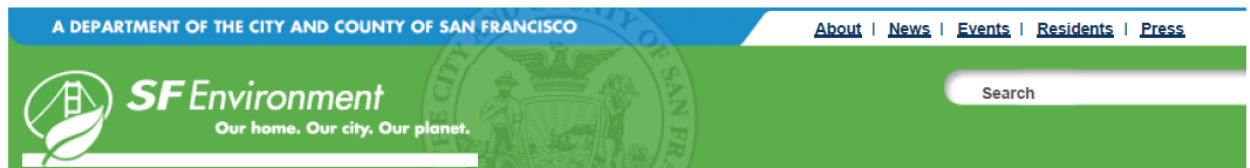
Tetra Tech, Inc.

Jim Wu, Investor Relations

Charlie MacPherson, Media & Public Relations

(626) 470-2844

Exhibit G



San Francisco Receives \$600,000 in U.S. EPA Brownfield Grant Awards for Assessment and Job Training

News by Topic

[Buildings & Environments \(/buildings-environments/news\)](#)
[Education & Equity \(/education-equity/news\)](#)
[Toxics & Health \(/toxics-health-old/news\)](#)
[Energy \(/energy/news\)](#)
[Transportation \(/transportation/news\)](#)
[Zero Waste \(/zero-waste/news\)](#)
[Climate Change \(/climate-change/news\)](#)

Newsletter

Contact's name: Guillermo Rodriguez, 415-355-3756

The U.S. Environmental Protection Agency (EPA) announced \$69.3 million in grants to provide communities with funding necessary to clean and redevelop contaminated properties, boost local economies and create jobs while protecting public health. EPA selected San Francisco for brownfields grants totaling \$600,000.

Community-wide hazardous substances and petroleum grant funds (\$400,000) awarded to the San Francisco Department of the Environment (SFE) will be used to inventory brownfield sites, perform environmental site assessments in the Bayview Hunters Point (BVHP) neighborhood and conduct community outreach activities.

EPA also selected The Hunters Point Family, a San Francisco based non-profit, for an environmental workforce development and job training grant (\$200,000) to train low-income, minority residents of San Francisco's BVHP community and place them in environmental jobs.

"We are helping San Francisco build upon past investments to revitalize the Bayview Hunters Point community," said Jared Blumenfeld, EPA's Regional Administrator for the Pacific Southwest. "In addition to cleanup funding for the City, EPA is awarding an environmental jobs training grant to the Hunters Point Family that will create green jobs to protect the health of local residents," added Blumenfeld.

"EPA's generous grant support will enable San Francisco to identify and assess brownfield sites for potential redevelopment in support of increased access to the Southeastern waterfront," said Melanie Nutter, Director, San Francisco Department of the Environment. "EPA's continued investment in San Francisco's environmental priorities will help promote both recreational open spaces and green corridors in our underserved neighborhoods while equally investing in the people who live in impacted communities with job training," added Nutter.

SFE's brownfields project supports the development of the Blue Greenway, a waterfront open space corridor that extends the region's Bay Trail along San Francisco's eastern shoreline and southward into the BVHP community.

"The Blue Greenway is the most significant improvement in our City's waterfront since the restoration of Crissy Field, and we deeply appreciate the ongoing support from the EPA for this project. This November, voters will be asked to approve the 2012 Clean and Safe Neighborhood Parks Bond, which will include another \$16 million investment in the Blue Greenway. The Parks Alliance is honored to lead San Franciscans in approving this critical investment in our city's future," said Matthew O'Grady, Executive Director San Francisco Parks Alliance.

SFE's inventory and assessments of brownfield sites will provide information necessary for preparing cleanup plans and end use planning. This work ultimately will reduce pollution in BVHP and promote access to its waterfront. By assessing and cleaning up brownfield sites and providing new open spaces and green corridors for physical activities such as gardening, walking, hiking and biking, local residents will have greater opportunities to reduce chronic diseases such as diabetes and high blood pressure. EPA's grant for brownfield assessments will help address health inequities and support SFE's efforts to build a healthy, sustainable community for BVHP residents.

EPA's investment in job training and placement services reflects the linkage between brownfield and economic development. The Hunters Point Family plans to train a minimum of 54 students, place at least 43 graduates in environmental jobs, and track graduates for at least one year. The core training program includes 224 hours of combined classroom and hands-on instruction in HAZWOPER, UST leak prevention, solid waste management and recycling, asbestos and lead worker safety, construction health and safety, wastewater management and habitat restoration. Four state and federal certifications will be offered.

"The Bayview Hunters Point Green Careers Program incorporates all of the principles of sustainability for people, the environment, and the local economy. The Hunters Point Family is working with other CBO's, government agencies, and employers to create a holistic training and employment program that will create viable career opportunities for young adults living in public housing, while transforming Bayview Hunters Point into a safe and healthy community," said Lena Miller, Executive Director, Hunters Point Family.

Training partners include the San Francisco Office of Economic and Workforce Development, San Francisco City College-Southeast Campus, Young Community Developers, Northern California District Council of Laborers, and San Francisco Public Utilities Commission.

About the EPA Brownfields Program: EPA's Brownfields Program empowers states, communities, and other stakeholders to work together to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. In 2002, the Small Business Liability Relief and Brownfields Revitalization Act was passed to help states and communities around the country cleanup and revitalize brownfields sites. Under this law, EPA provides financial assistance to eligible applicants through four competitive grant programs: assessment grants, revolving loan fund grants, cleanup grants, and job training grants. Additionally, funding support is provided to state and tribal response programs through a separate mechanism.

<http://www.epa.gov/brownfields/> (<http://www.epa.gov/brownfields/>)

Exhibit H

An official website of the United States government.

We've made some changes to EPA.gov. If the information you are looking for is not here, you may be able to find it on the EPA Web Archive or the January 19, 2017 Web Snapshot.

Close



News Releases from Region 09

EPA awards \$23 million to California to manage and reduce hazardous waste

09/21/2017

Contact Information:

Soledad Calvino (calvino.maria@epa.gov)
415-972-3512

SAN FRANCISCO — The U.S. Environmental Protection Agency has awarded \$22.94 million to the California Department of Toxic Substances Control to support their hazardous waste management and reduction activities.

“Hazardous waste must be managed safely from the moment it is created to its final disposal,” said EPA Administrator Scott Pruitt. “We look forward to continuing to work with California to successfully control and reduce hazardous waste, and keep people safe.”

The three-year grant provides funding under the Resource Conservation and Recovery Act, which regulates solid and hazardous waste. The money will support DTSC’s program activities, such as cleaning contaminated sites, reducing hazardous waste generation, encouraging the manufacture of chemically safer products, and enforcing hazardous waste laws.

“We greatly appreciate U.S. EPA’s continued support of DTSC’s programs and the opportunity to continue to partner with U.S. EPA on vital hazardous waste management programs,” said Department of Toxic Substances Control Director Barbara Lee. “The funding provided by U.S. EPA, coupled with California’s own substantial investment in its hazardous waste program, supports DTSC’s vital work protecting Californians and their environment from the harmful effects of toxics.”

Since 1995, EPA’s RCRA program has awarded California more than \$180 million to support hazardous waste monitoring and enforcement, permitting, contaminated site cleanup, pollution prevention, border initiatives, and program management.

6/15/2018

EPA awards \$23 million to California to manage and reduce hazardous waste | U.S. EPA News Releases | US EPA

RCRA regulations protect communities by ensuring safe management and cleanup of solid and hazardous waste, while encouraging reduction of pollution sources and beneficial reuse of formerly contaminated properties.

For more about EPA's RCRA program: <https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview>

For more about EPA's work in California: <https://www.epa.gov/ca>



LAST UPDATED ON SEPTEMBER 21, 2017

Exhibit I

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News Releases from Region 09

U.S. EPA awards \$173.5 million for California drinking water and wastewater projects

02/13/2018

Contact Information:

Michele Huitric (huitric.michele@epa.gov)

415-972-3165

SAN FRANCISCO – The U.S. Environmental Protection Agency has awarded \$172.3 million to the state of California for drinking water and wastewater infrastructure improvements, and a \$1.2 million grant to the city of Vallejo for sewer upgrades.

"Investing in water infrastructure with our state partners is a priority for the Trump Administration and ensures communities can deliver safe drinking water and wastewater treatment," said **EPA Administrator Scott Pruitt**. "This funding is critical to supporting public health and environmental goals in California."

EPA awarded the State Water Resources Control Board a total of \$172.3 million to capitalize its clean water and drinking water State Revolving Fund programs. These federal funds are supplemented with state funding sources and support California's water infrastructure needs. Recipients receive low-interest loans for clean water and drinking water projects. As money is repaid to the revolving loan fund, California funds new projects.

"The State Revolving Fund programs allow us to help a wide variety of communities throughout the state," said **State Water Resources Control Board Vice Chair Steven Moore**. "But their financial strength and versatility are especially good at helping small and disadvantaged communities that otherwise might not have access to the capital they need to solve their water treatment problems."

The Clean Water State Revolving Fund received \$94.8 million to support a variety of water infrastructure improvement projects, including the following:

- **Monterey One Water** will use an \$88 million loan to install a new water treatment facility in Monterey County. The facility will treat and reclaim municipal wastewater, urban runoff, agricultural return flows, and food

<https://www.epa.gov/newsreleases/us-epa-awards-1735-million-california-drinking-water-and-wastewater-projects>

processing wastewater. The purified water will replenish the Seaside Groundwater Basin and provide water to 105,000 people, while reducing the amount of water diverted from the Carmel River.

- The **city of Santa Monica** will use a \$52.9 million loan, and \$4 million in loan forgiveness, to collect and treat municipal wastewater, stormwater, and impaired groundwater. This project will help the city reduce the use of imported water, replenish groundwater supply, increase drought resilience, and improve beach water quality.

The Drinking Water State Revolving Fund received \$77.5 million for drinking water infrastructure improvements to improve public water systems, including the following:

- The **city of Sacramento** will use a \$173.1 million loan to install 36,000 meters on residential and commercial water service connections. Water mains will also be replaced, as needed, as part of the city's efforts to upgrade 80 miles of water distribution and transmission mains.
- **Loma Rica Water Company in Marysville** will use a \$126,734 loan to replace an existing redwood water tank with a new 36,500 gallon bolted steel tank, ensuring that the 200 people served by the system continue to receive clean drinking water.

EPA has awarded more than \$5 billion to California's clean water and drinking water revolving fund programs since their inception in 1988 and 1996, respectively. These funds support California's efforts to address an estimated \$70.5 billion worth of water infrastructure needs.

EPA also awarded a \$1.2 million Special Appropriation Act Project grant to the **Vallejo Flood and Wastewater District** to replace a deteriorating force main—a pressurized sewer pipe that transports wastewater. The force main, which crosses the Mare Island Strait, has the potential to severely damage the Napa River and adjoining San Pablo Bay in the event of failure. The replacement sewer pipe will provide long-term reliability in conveying wastewater off the island.

For more information on EPA's State Revolving Fund programs, please visit:

<https://www.epa.gov/drinkingwatersrf>

<https://www.epa.gov/cwsrf>

For more information on Special Appropriation Act Project grants, please visit:

<https://www.epa.gov/grants/special-appropriation-act-projects>

###

LAST UPDATED ON FEBRUARY 13, 2018

8/14/2018

(22126 unread) - Ex. 6, 7c

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Failure Notice

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MAILER-DAEMON@yahoo.com

Aug 7 at 2:37 PM

To riggs1012@yahoo.com

Sorry, we were unable to deliver your message to the following address.

<titlevcompliants@epa.gov>:
550: 5.1.1 <titlevcompliants@epa.gov>: Recipient address rejected: User
unknown in relay recipient table

--- Below this line is a copy of the message.

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=yahoo.com;
s=s2048; t=1533667070;
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Received: from sonic.gate.mail.ne1.yahoo.com by
sonic305.consmr.mail.bf2.yahoo.com with HTTP; Tue, 7 Aug 2018 18:37:50
+0000

Date: Tue, 7 Aug 2018 18:37:46 +0000 (UTC)

From: hazel burroughs <riggs1012@yahoo.com>

Reply-To: hazel burroughs <riggs1012@yahoo.com>

To: "titlevcompliants@epa.gov" <titlevcompliants@epa.gov>

Message-ID: <901283066.3589692.1533667066225@mail.yahoo.com>

Subject: Civil Rights Complaint

MIME-Version: 1.0

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boundary="-----_Part_3589691_29130982.1533667066225"

References: <901283066.3589692.1533667066225.ref@mail.yahoo.com>

X-Mailer: WebService/1.1.12206 YahooMailNeo Mozilla/5.0 (Windows NT

6.1; Trident/7.0; rv:11.0) like Gecko

Content-Length: 44184

Recipient Address
Incorrect on Computer
Internet

One click away from
your upgraded Inbox

August 14, 2018

ATTN: Title VI of the Civil Rights Acts (External), Complaints Division
United States Environmental Protection Agency
Washington, DC

**INFORMATION RELATING TO VIOLATION "REQUEST FOR ENVIRONMENTAL INVESTIGATION AND
REMEDIAL ACTION" TO BE CONDUCTED AT THE BELOW SITE DESCRIPTION AND LOCATION**

ONGOING VIOLATIONS

Address of Subject: **Site Description and Location**
4236 Davison Road, Ravenel, SC 29470
Charleston County, South Carolina
Property Damage and Personal Injury:
Parcel No: 244-00-00-047

Address of Compliant: Ex. 6, 7c, SC 29826
Ex. 6, 7c South Carolina
Phone: Ex. 6, 7c (e-mail Ex. 6, 7c

HISTORY FLOODING - March 2013

WHO: Complainant, property owner faced with a crisis and in desperate need of help made the decision to call Center for Disease Control, Atlanta, GA and the local state and county Department of Health and Environmental Control per the instruction of Jill Steward in March of 2013. Property owner reached by phone, the person by the name of Gregory E. Sams ("Sams") with the local North Charleston, County Health Department, for assistance in March 2013. That I did not personally know the person of Gregory E. Sams is now, and at all times relevant to this investigation.

March of 2013, on information and belief Sam's an agent and or employee of the State of South Carolina (SC) Department of Health and Environmental Control ("DHEC" or the "Agency"), Bureau of Water, State of SC Low Country Environmental Quality Control ("EQC"), Charleston McMillian Location, North Charleston, SC. On information and belief Sam's was at all times acting within the purpose and scope of such agency and employment. I have had the privilege of meeting Sam's in March of 2013, during the severe flooding that took place. Sam's, as employee of the agency, in his official capacity connected with property owner call on that same day in March of 2013. Sam's, in his official capacity requested to meet with property owner at the family's home, the old Davison Road Community Ravenel, Charleston County South Carolina, Ex. 6, 7c the former gas station known as the "Ancrum".

March of 2013, that upon "Sam's" arrival at 4236 Davison Road (the property), the month March, year of 2013, immediately presented, disclosed and released a copy of "Report of Sampling" (not attached to compliant), that had been received by the agency (SCDHEC) Underground Storage Tanks (USTs) Management Division on March 14, 2011. That the said "Report of Sampling" recorded by SCDHEC UST Management Division as UST Docket No. 20. In addition, the "Report of Sampling" was prepared and submitted by Midlands Environmental Consultants, Inc. (MECI) Lexington South Carolina, signed by

Ex. 6, 7c

and Ex. 6, 7c

to the attention of Ms. Debra

Thomas, Hydrogeologist with the Corrective Action Section, Assessment and Corrective Action Division UST Division, Bureau of Land and Waste Management state agency, DHEC Columbia South Carolina, said Report of Sampling dated March 9, 2011. Further, the subject documents of MECI representative Courtney M. Sanders of March 9, 2011 provided information to include:

Report of Groundwater Sampling; SCDHEC Site ID Number 01617, CA # 40382, MECI, Project Number 11-3253, also citing "Certified Site Rehab Contractor UCC-0009.

Sam's in his official capacity as agent of the SCDHEC Health Department, North Charleston South Carolina, pointing to and identifying for property owner, her drinking water well as Water Supply Well 4 (WSW 4), Analytical Results (page 9 of 28) to include "Report of laboratory Analysis dated 03/08/2011, time of action 03:44 p.m. – that the Analytical Results performed by Pace Analytical as part of UST Docket #20 received by SCDHEC UST Program March 14, 2011.

Sam's acknowledging properties WSW were identified as adjacent property water well which was a part of an assessment and corrective action. March of 2013, property owner became aware of her Water Supply Well (WSW 4) Analytical Results, (page 9 of 28) to include Report of laboratory Analysis dated 03/08/2011 and that her WSW was at all times connected to an "Assessment Activities, Field Exploration" – Screening of Ground Water (GW) samples collected from real property, 4236 Davison Road, Ravenel South Carolina. Also, Field Exploration included construction of Ground Water ("GW") Monitoring Wells Installation and Sampling of the ^{Ex. 6, 7c} property; soil and groundwater impacted by petroleum contamination in the vicinity of the USTs. Furthermore, the state agent (Sam's) expressed concerns about the "Report of Laboratory Analysis Analytical Results, Sample: WSW 4 evidencing the presence of chemical constituents. That Sam's is delivering and disclosing the Report of Lab Analysis for property owner advising and stating: "This is your drinking water supply well (WSW 4)", Report of Groundwater Sampling; SCDHEC Site ID Number 01617, CA # 40382, MECI, Project Number 11-3253, also citing "Certified Site Rehab Contractor UCC-0009. Drinking water well, Water Supply Well 4 (WSW 4), Analytical Results (page 9 of 28) to include "Report of laboratory Analysis dated 03/08/2011, time of action 03:44 p.m. – that the Analytical Results performed by Pace Analytical as part of UST Docket #20 received by SCDHEC UST Program March 14, 2011". UNBEKNOWNST KNOWN TO PROPERTY OWNER

March of 2013, Sam's as state agent did not communicate to property-owner any warning regarding WSW contamination. The Report of Sampling establishes that the WSW (property) at all relevant times connected to an environmental assessment and remediation, the site. Property-owner was not at this time warned that her well was contaminated, evidencing the presence of chemicals of concern, also that her family drinking water was not safe to drink, during the environmental investigation and remediation project. Property owner contends "Sam's" knew the water was poisoned and that property owner never had substantive protection, yet it took no action in March of 2013, unjustifiable, humans are now exposed to significant risk. Property owner never received immediate and urgent warnings to stop drinking the water and was not provided with alternative water supplies in March of 2013. Sam never assured property owner that her water was safe in March of 2013, no warning regarding the risks to property and human health; exposure to the toxic chemicals, UNBEKNOWNST KNOWN TO PROPERTY OWNER.

"Sam's" were aware before March of 2013 of the threat to drinking water, exposures to toxic chemicals of concern with harmful effects detected on ^{Ex. 6, 7c} in the immediate vicinity, as a result of discharging petroleum at the site former gas station.

WHO:

That person or persons continue to unreasonably interfere with the use and enjoyment of the property. As a result of the wrongful conditions found and at other locations (Town of Ravenel) in the vicinity resulting in the exposure to contaminated water, such environmental violations at the site on Ex. 6, 7c Ex. 6, 7c Town of Hollywood on which the unauthorized discharge occurred. Sam's had reason to know that petroleum products had been, and were being used Ex. 6, 7c former gas station) and the need to remediate the ongoing unauthorized discharge onto Ex. 6, 7c Ex. 6, 7c, as a result, the type of fresh injury from day to day, due to inadequate monitoring of leak detection progress and regulatory delay.

WHAT

Real property impacted by contamination, high concentration exposure having such negative effects is supported by substantial evidence. That the Report of Sampling reveals a release of petroleum product from a parcel of property, located in the Town of Hollywood, South Carolina. That the property had been used as a gas station that contained two (2) USTs abandoned, stored, and leaky, that innocent parties who are not responsible for discharging pollution into the environment, who merely own neighboring properties that become contaminated due to the acts or omissions of others.

A release of petroleum product from the USTs seeped into the soil and groundwater on Ex. 6, 7c, in Charleston County, as a result of the abandoned, stored, leaky and non-compliance USTs.

Property owners did not interfered with those actions, but rather than take steps to warn, about the actual release of pollutants, and protect humans, officials did just the opposite, subsequently officials continued to monitor the site through ground water sampling and failing to disclosed evidence that there had been significant findings of contaminates.

Personal property has been contaminated by Brownfield; person or persons who do not accept responsibility for cleanup of the contaminated adjacent property, instead sending people (insurance company and others) to monitor property without prior approval.

From 2013 to present, person or persons failed to disclose all of the environmental actions taken at neighboring properties and continuing obligations for which person or persons are responsible. That person or persons refusing to issue information about flooded and abandoned ground water (GW) monitor wells that had been installed on adjacent property in the vicinity. Further, as it relates to adjacent property Report of Sampling revealing contamination discharge of toxic chemicals of concern which had impacted the property is present from an off-site source, not owned by adjacent property owner. That property owner(s) never received any actual notice of a spill or release, discharges and the need to remediate the contamination of land. That person or persons denied the opportunity to be heard to comment or object to the site selection; site assessment decision had already been made before the Ex. 6, 7c became aware of the contamination. Facing an agency site selection decision (made in advance before 2009) which threatened property and liberty interests, property owners were entitle to notice, an opportunity to be heard by person or persons before making its site selection, the already made decision, initiated testing and GW sampling of neighboring properties that become contaminated due to acts or omissions of person or persons, as a result, innocent owners of adjacent lands are left to seek recourse.

- (1) a former gas station facility has a spill of; (2) extremely hazardous substance, petroleum contaminate plume consistent with gasoline discharge on; (3) a parcel of property belonging to Ex. 6, 7c, landowners Tax Map Number: 2440000047, address location: 4236 Davison Road, Ravenel, South Carolina 29470; (3) that in March of 2013, in receipt of Report of Sampling that documented testing of adjacent land owner WSW, ground-water sampling directed during the exposure period to obtain data.

April 2013, information was not made available to landowner(s), residents that live within a close proximity Ex. 6, 7c to the "Ancrum" site, has at no time given their consent to the pollution of the groundwater of their property, and such pollution is an unlawful.

Landowner(s) who are not at fault, by her own research states that following facts: (1) Report of Sampling received by SCDHEC in the year 2011, reveals WSW; (2) Remediation of petroleum contaminated site, unauthorized discharges and the effect of the unauthorized release into the environment threatens soil and ground water resources has been determined to have occurred at a former (old) gas station facility; (3) the actual release of toxic chemicals (**Benzene, Toluene, and Xylene (BTEX) and other chemicals**; projects at levels posing an unacceptable risk to human health and environment. Soil and groundwater contaminate plume; (4) Sam's as an agent and or employee of the State of South Carolina (SC) Department of Health and Environmental Control ("DHEC" or the "Agency"), Bureau of Water, State of SC Low Country Environmental Quality Control ("EQC"), Charleston McMillian Location, North Charleston SC, delivering and disclosing the Report of Lab Analysis for property owner advising and stating: "This is your drinking water supply well (WSW 4)", Report of Groundwater Sampling; SCDHEC Site ID Number 01617, CA # 40382, MECI, Project Number 11-3253, also citing "Certified Site Rehab Contractor UCC-0009. Ex. 6, 7c drinking water well, Water Supply Well 4 (WSW 4), Analytical Results (page 9 of 28) to include "Report of laboratory Analysis dated 03/08/2011, time of action 03:44 p.m. – that the Analytical Results performed by Pace Analytical as part of UST Docket #20 received by SCDHEC UST Program March 14, 2011; (5) Environmental conditions, unauthorized release into the environment threatens soil and ground water resources has been determined to have occurred at a former (old) gas station facility in the Town of Hollywood, South Carolina "Ancrum" Site and environmental conditions at 4236 Davison Road, Town of Ravenel in Charleston County; (6) as a result of unregulated USTs, not in use, abandoned, stored and leaky, person or persons failed at its authority to abate, control and prevent pollution –Compliant research and personal knowledge (records) reflect a history violations.

Action to secure justice:

That complainant has asked for concrete information since April 2013, that property owner(s) have gotten the runaround for months or more. Information concealed and suppressed concerning a parcel of property (Tax Map Number: 2440000047) located in the town of Ravenel Charleston County, address 4236 Davison Road, also, information concealed as to the description of Ex. 6, 7c

Ex. 6, 7c, use and including "exposure analysis" Tier I Assessment report. Information that will not produce, cannot produce, information that is trade secret information, personal information where public disclosure would be an unreasonable invasion of privacy, matters specifically exempt or protected by law. Property owner contends material facts arising from an environmental non-compliance, which unfairly caused property-owners impacted by the unlawful discharge suffered ("A Loss"). The environmental Report of Sampling reveals that Sam's and others had full and complete control over the activities conducted on the adjacent property when environmental assessment, investigation commenced and conducted. (4236 Davison Road, Town of Ravenel in Charleston County)

Sam's and others failing to notify property owners of petroleum contamination, the dangerous propensities of chemical of concerns discovered and documented in their Report of Sampling.

Acts of concealing information, instead of disclosing contamination timely and others are providing misleading statements about homeowner's property and MWs.

As a result, the unlawful, unauthorized discharge caused an environmental harm and public health harm to the community, where property owners was unaware of the abandoned USTs and the need to remediate the ongoing discharge at the facility and the immediate area. As a result, the petroleum contamination found in the immediate area, property-owners cannot be liable as discharges because they do not own the USTs. As a result, the knowledge that my loved ones have consumed hazardous chemicals, thereby causing their injury and **death**, all residents has suffered and will continue to suffer great emotional distress and depression.

As a result, the unauthorized discharge and unforeseen events which property owner demands the recovery of a right or the redress of a wrong. SCDHEC records reveals that all Chemicals of Concern ("CoC") are below detection levels and the wells were not located or were inaccessible during subsequent sampling events conducted in 2010 and 2011.

Complainant challenges - SCDHEC statement of " Should you sell the property, the Division requests that the buyer coordinate with the Division to allow for continued access to conduct necessary site rehabilitation activities". Compliant wants to know "what else is being concealed?" (Exhibit 2)

WHO

Midlands Environmental Consultants, Inc. (MECI)

The property identified as Ancrum Facility ("the facility") is located at 4308 Davison Road, Hollywood Charleston County, South Carolina. The facility previously maintained one 1,000 gallon gasoline UST and one 550 gallon gasoline UST. This Underground Storage Tank System (USTS) were operated and used to store and supply gasoline. These USTs were abandoned by removal on June of 1993;

Exhibit 1 - Complaint challenges MECI and not SCDHEC , False – Right of Entry letter submitted January 23, 2009, after the fact, years later and the family consented to giving access February 23, 2009.(Exhibit 2)

Exhibit 3 - **SCDHEC** - RSU letter reflects that the USTs were abandoned by removal on June 1, 2012. (Compliant challenges the following date, because MECI Project Information reflects "these USTs were abandoned by removal ground in June of 1993.)

Complaint challenges EPA, MECI and SCDHEC concealment of material facts: SCDHEC records reflects "confirmed contamination the year 2008.

WHO:

Records reflect:

5

1. The SCDHEC (hereinafter the "Agency" or "DHEC") receiving a report of an environmental harm "a release" on Davison Road in 2008. The small African-American population in Charleston County, in the immediate vicinity of the location that the SCDHEC DHEC responding to a release at a former gas station in 2008.
2. During the years the former gas station facility (known as "Ancrum") was a convenience store with a residence on Davison Road in Charleston County South Carolina. The residential "Site" Underground Storage Tank System operation was used for storage, use, and dispensing of regulated substances with a SCDHEC Site Identification Number 01617, address of 4306 Davison Road in Charleston County.
3. That the two gas tanks were unregulated petroleum, station area until March 2008 (or sooner), when the Agency responded to the release incident, per Regulations governing the permitting, release detection, prevention and correction applicable to all owners-operators of Underground Storage Tanks (hereinafter "USTs") as maybe necessary to protect human health and the environment. During the years prior to 2008 or sooner, the property has been operated as a convenience store and gas station.
4. The year 1998, the Agency, UST Division, Compliance Section issued a Notice of Violation UST's exceeding 12 MTh TOU Status Site -> B-10-NO-1617 ANCRUM. The UST system at this facility has been temporarily closed for more than 12 months. During the years the USTs (leaking) was inactive, abandoned and unregulated, when the Agency accepted the power project (intervening) to an environmental harm, imminent danger action. The above referenced violation request action TO "abandon the USTs and perform an environmental assessment by July 29, 1998.
5. In 1993, the Agency recorded the "USTs abandoned"; and
6. In 1996, the Agency recorded "site assessment has not been performed at that time". Form 01617-03 Document, Docket Number #2R, recorded "Whether tanks previously removed from the ground?" - The following response recorded "No". The following information received in the UST Division December 15, 2007; and
7. January 2008, the Agency, Regulatory Compliance Division, UST Program, Bureau of Land and Waste Management contracted for the construction of monitoring wells (hereinafter MWs) at the site for the intended purpose of monitoring ground-water quality and/or water level(s) at the referenced facility, pursuant to the provisions of Section 44-55-40 of the 1976 South Carolina Code of Laws and the Department of Health and Environmental Control Regulations R.61-71.
8. June 2008, the Agency, Assessment Section, Div. of Assessment and Corrective Action, Bureau of Land and Waste Management filed its approval for the installation of three groundwater MWs. The MWs are to be installed in the approved locations, that all MWs are to be installed following the South Carolina Well Standards, R.61-71, and the applicable guidance documents, pursuant to the provisions of Section 44-55-40 of the 1976 South Carolina Code of Laws and the Department of Health and Environmental Control Regulations R.61-71 of the South Carolina Well Standards and Regulations, Dated April 26, 2002.

WHAT:

SOIL AND GROUNDWATER CONTAMINATION

Exposure to the toxic chemicals Benzene, Toluene, Xylene (BTEX), MTBE, Naphthalene, DCA, EDB and other chemicals of concerns (Cocas); the Scotts had been harmed, by flooding as a result of a new extensive land development and subdivisions construction (permits issued, Complainant challenges new permits) causes flooding during any ordinary heavy rainfall, creating a dangerous condition in an area already plagued by exposure to toxic chemicals Benzene, Toluene, Xylene (BTEX), MTBE, Naphthalene, DCA, EDB and other chemicals of concerns (CoCs). (Complainant challenges no information on TCE, SCDHEC records reflect TCE delivered at the former gas station)

Compliant contends harmed as a result of, decisions already made before issuing RSU letter, assessment and remediation actions by the City officials of Charleston and County of Charleston to approve, and permit application for construction and maintenance new land development, public service utility line, and subdivision in a predominantly African-American community residents affected by the release. Also, by SCDHEC to allow permitting permits for construction and maintenance to allow the new land development construction.

Any records on the consideration and adverse effects of the entire site, concerns about water that is not soaking in the ground, stagnant water that is considered a very serious environmental hazard, there is no way for the flood water to go. Also, I am concern about the ongoing development in the area, the lengthy process that is contributing to the problems(s) in the area. Installation of a new pipe network, (water main and sewer lines) in the area and poor runoff, which is causing the water to flow off the highway in ditch(s) and on property of Complainant.

NEWLY DISCOVERED EVIDENCE – REAL PROPERTY IMPACTED

YEAR 2016: Compliant real property evaluation, the imminent, substantial, and potential risks to human health posed by improperly constructed, poorly maintained, damaged, abandoned MWs, , and environmental dumping grounds: Exhibit 4 AND 5

Compliant Request for answers and assistant (Exhibit 6 AND 7)

CONCLUSION:

Plaintiff alleges - that the new land development, white-own developer, builder, is responsible for the ongoing design and construction of new "subdivision" in a predominantly African-American, old community already traumatized and feeling they are all alone.

Plaintiff injured as a result of the building codes (or other construction requirements), and protected rights (race and disability) violations committed by white-own developer.

FACT: The record before Plaintiff are issues depicts depict the workings of Federal, State and local governmental agencies working within their own agenda, both separately and together, independent, yet cooperatively.

From 2008 date, officials alleges contamination, Plaintiff alleges that governmental officials discriminated against her by failing to inform her that her (family) private water well and other areas in the vicinity, soil and groundwater was contaminated. Local state official's failure to act damaged her

property and that officials behave in an unreasonable and unfair manner deceive and conceal information from Plaintiff. That official's conduct was a significant cause of the injury?

This action is further brought to redress the harm caused by intentional racial discrimination in the decision by officials, City of Charleston and County of Charleston to approve, and permit application for construction and maintenance of new land development, public service utility line, and subdivision to white-own developer in a predominantly African-American community residents affected by the release.

CONCLUSION:

Plaintiff is claiming injuries after she and her family members were exposed to dangerous toxins (Benzene, Toluene, Xylene (BTEX), MTBE, Naphthalene, DCA, EDB compounds and other chemicals), possibly TCE, while living at her resident in Charleston County, South Carolina.

As a result of local state agencies agents' unlawful acts, Plaintiff has suffered, and will suffer in the future, property damage, personal injury, and death.

DENIED:

"It's tragic that our government has denied protection where it had control over the USTs at the time of the release. As a result of its business practices, officials has knowingly, intentionally, wantonly, recklessly, willfully, and maliciously abandoned the USTs and stored Benzene, Toluene, Xylene (BTEX), MTBE, Naphthalene, DCA, EDB compounds and other chemicals on the site in such a manner that it discharged into groundwater of the neighboring property (Plaintiff property) and underground water sources.

Officials denied protection, also, failed to take the precautions necessary to prevent such contamination of the groundwater and water supply of surrounding property. Officials had a duty to monitor, protect and warn of danger (to notify timely) of the release of toxic chemicals. Plaintiff alleged officials were in complete disregard for Plaintiff's health and well-being.

Officials denied the benefits of and to be subjected to discrimination under any program or activity receiving Federal Financial Assistance. Plaintiff alleges, failure to inform and failure to provide them with an alternate water supply, when such warnings and protective measures were immediately undertaken by the Federal, State and local state agencies for white-own developer, (new land development), when such arrangements were made for white-own development immediately – constitutes an act of intentional race discrimination. Unbeknownst to Plaintiff, she continued to ingest and be exposed to well containing toxic chemicals.

DENIED:

The right to the equal protection of the laws– in failing to notify of the risk of harm from toxic chemicals exposure and in failing to provide an alternate water source, when such warnings and protective measures were undertaken to protect new land development, white own developer construction project.

Denied Protection under the Older American's Act Title III B (Aging, disability, transportation and to remain in her home.

I. Complainant request for assistance - SCDHEC

Records on activities reported

What happen after MECI sampling activities reported wells MW-10R and MW-11 were not located? MECI site activity summary report, under MW-10R in the comments section states not located; well destroyed and under MW-11 in the comments section, states not located; flooded; well in swampy area - based on that information/record, when did MECI cease sampling the wells? If, I am right wells Ex. 6, 7c and Ex. 6, 7c location is on the property of Ex. 6, 7c ;.

Any records on the consideration and adverse effects of the entire site, concerns about water that is not soaking in the ground, stagnant water that is considered a very serious environmental hazard remains No way for the water to go.

Also, I am concern about the ongoing development in the area, the lengthy process that is contributing to the problems(s) in the area. Installation of a new pipe network (water main and sewer lines) in the area and poor runoff, which is causing the water to flow off the highway in ditch(s) and on property(s) of Scotts

Information requested,

The person(s) you (DHEC) contacted before coming on my property (dates and times), wells installed, one destroyed and one could not be located because of flood.

Request for any additional information on noted concerns of a "leak" and "contamination in your reports.

Information on all

Companies or contractor who had access to the property during assessments, because of the vehicle (travel paths), observed and the disturbances of the ground and soil to the property that has/had is caused additional flooding in the immediate areas.

I need to be informed of what is going on with my property (what has been installed on property, any permanent fixtures) and the areas around me.

Information on:

1. Where is the Vacuum pump located in your report and on whose property?
2. Did the site plan include aeration?
3. in plain language, is the soil contaminated

Urgent request for additional information on the Ex. 6, 7c The true information is not being provided by DHEC, County and State offices in reference to the ongoing (historical) assessment. I am asking that they refrain from providing misleading information. I am unable to cope with the stress due to the inconsiderate actions from government officials. I am concern and understand the recovery effort, but what I don't understand the focus right now is not the community and not providing the information I am in need of, so I can return to my home without worries.

Alleged violation submitted by Ex. 6, 7c to SCDHEC in the year 2014, 2015, 2016, 2017, and March 2018, Complainant letter to SCDHEC seeking information on real property of complainant, 4236 Davison Road Charleston County Charleston, SC.

As a result, per Michael S. Traynham, Office of General Counsel, providing information "on the site, Ancrum" and did not address actions as it relates to real and personal property, 4236 Davison Road in Charleston County, March 2018. Exhibit 8

II. Complainant request for EPA Action -

Ex. 6, 7c did in fact address her concerns to other federal, state or local agencies, such as the state environmental agency (SCDHEC), health agency and local (city and county) offices.

Ex. 6, 7c and others had no actual notice (knowledge) of the unauthorized discharge(s) and the reports when the reports were originally released by SCDHEC and Midlands Environmental Consultants, Inc. (MECI) In relation to the Unauthorized Discharges, given the 12 month or more timeframe between the request for records (information) and request for assistance to EPA and others, Ex. 6, 7c believed she was disclosing (Whistleblower) an **environmental violation in South Carolina (Charleston County)**, conditions that does not comply with an environmental law or regulation, improprieties regarding - (1) Flooding, as a result of new land development construction changing natural runoff paths (2) The site rehabilitation assessment summary results, further investigations necessary in the immediate vicinity (surrounding areas affected by the unauthorized release) of the former gasoline facility (3) taking steps (as soon as possible) necessary to protect human health and the environment. The Effect of the unauthorized release - As a result, Ex. 6, 7c and others suffered damages as a result of being exposed to hazardous levels of BTEX and TCE and other chemicals of concern through ingestion, absorption and inhalation.

The Effect of the unauthorized release - As a result, Ex. 6, 7c and others suffered damages (real and personal property) as a result of the Unauthorized Discharges.

Alleged violation submitted by Ex. 6, 7c to EPA in 2016, 2017 and 2018.

Alleged violation submitted for action and assistance to EPA, requesting officials to take the necessary steps to protect human health and the environment. Complainant request to EPA, make it your priority to make a Visible Difference in my community and communities across the country to enforce the environmental laws passed by Congress and the state legislatures.

Allegations and evidence that contamination of the 4 acreage diminished complainant property values and caused them to lose the full use and enjoyment of their properties

Review of conditions which necessitated response action, as a result of acts of SCDHEC failed to take adequate steps to prevent the escape of contaminants from the site due to non-compliance, due to leak detection, and failed to warn residents in the immediate area of this environmental problem.

At TMP 244-00-00-047, Monitoring wells Department approval prior to drilling, construction, maintained, operated, and /or abandoned to ensure that underground sources of drinking water are not contaminated.

Alleged violations – of a requirement under Federal and State regulations, noncompliance with the permit, regulation, standard and or requirement by officials

Alleged noted violation(s) – failure to correct, denied by SCDHEC and EPA within the specified time period.

Ex. 6, 7c alleges discriminatory conduct by SCDHEC.

Ex. 6, 7c request for assistance and cooperation in an effort to settle these allegations made as it relates to the abandoned environmental real estate. April 2018

I am requesting the assistance of your offices to conduct or review into the recent allegations made to the agencies including Ex. 6, 7c, allegations of crime, death of relatives.

For additional information, please e-mail or call me at the address and phone number listed above.

Ex. 6, 7c

2009

**Midlands
Environmental
Consultants, Inc.**

b(6) Privacy

Subject: Right-of-Entry
Ancrum
 4306 Davison Road
 Ravenel, South Carolina
 SCDHEC Site ID# 01617
 MECI Project# 08-1991

Dear Sir or Madam,

SCDHEC has requested Midlands Environmental Consultants, Inc. (Midlands Environmental) perform assessment related activities for a release of petroleum product at Ancrum, located at 4306 Davison Road, Ravenel, South Carolina. Our planned field activities include installation of groundwater monitoring wells on property surrounding the former gas station. Midlands Environmental is seeking permission to access your property located at 4236 Davison Road (Charleston County tax map number 2440000047) to obtain groundwater samples. Samples from your property will be obtained by the methods described below. The location of the subject site is depicted on Figure 1.

Groundwater monitoring wells will be constructed. The wells will be finished with flush mounted covers in a 2' by 2' concrete pad. The edge of the concrete pad will be saw-cut into existing pavement as needed. All measures to minimize any inconvenience caused by drilling activities will be undertaken.

The wells consist of 2-inch diameter PVC pipe (Schedule 40 with flush-threaded joints) inserted into an 8-inch or 10-inch diameter augered borehole (Figure 2). The bottom 10 or 15-foot section of each monitoring well is a manufactured well screen with 0.020-inch slots. The well screen will be set to intercept the saturated/unsaturated zone interface (static water) encountered at the time of drilling. Washed sand backfill will be placed around the outside of the pipe to a minimum of one foot above the top of the well screen. A bentonite seal (minimum 2-foot thick) will be installed on top of the sand backfill to seal the monitoring wells at the desired level. The boreholes will then be grouted with a cement/bentonite grout to the ground surface. A steel protective flush-mounted cover and a lockable cap will then be placed over each monitoring well. All well construction will be conducted by a South Carolina Certified Well Driller, and will be approved and monitored by SCDHEC.

Before any work is initiated, MECI personnel will coordinate with the property owner at each phase of the above referenced assessment. Please sign and return the attached Permission Form or contact MECI at

Post Office Box 854, Lexington SC 29071 • 235-B Dooley Road, Lexington, SC 29073
 Telephone: (803) 808-2043 • Fax: (803) 808-2048

Copy Hazel Scott
 Rec'd by e-mail
 16 April 2013
 for info

January 23, 2009

Dated 2-22
 No mention of Contamination

Exhibit 1

Right-of-Entry Permission
Aucruan, Ravenel, SC

January 23, 2009

(803) 808-2043 about the right of entry to your property. Collect telephone calls will be accepted to minimize any inconvenience.

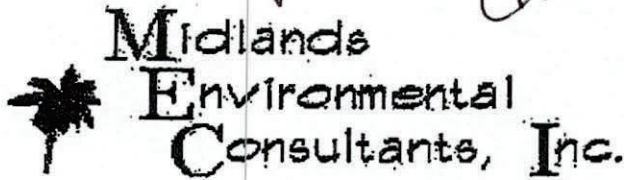
Sincerely,
Midlands Environmental Consultants, Inc.

b(6) Privacy

[REDACTED]

Referred +
confirm w/
my sister -

A Problem With the date
my sister signed this form on 2/2009
and the date of MECI
letter a Right to Entry LTR
dated Jan 23, 2009



Copy rec'd by
email 16 Apr 13
for info

PERMISSION TO ENTER PROPERTY

I, b(6) Privacy hereby certify that I am the owner of record or otherwise have the legal right to grant entry and access to the property for the purpose described below ("Owner") and do hereby grant Midlands Environmental Consultants, Inc. (MECI) and its agents, employees and subcontractors, and assigns the right to enter upon the property located at 4236 Davison Road (Charleston County Tax Map number 2440000047) for the purpose of performing an environmental assessment, as requested by SCDHEC which will include the following categories of work:

- Installation of groundwater monitoring well(s);
- Measuring depth to groundwater, about once every three months;
- Collection of groundwater samples, about once every three months;
- Maintenance of the monitoring well(s).

Access to the monitoring well will be needed for a time period not likely to exceed three to five years after well installation has been completed. The property owner will be notified at least 48 hours in advance of any planned activities on the property. At any time the property owner may contact MECI if there are any questions or concerns about work performed on the property.

The Permission to Enter Property is effective upon execution of this document.

This Permission to Enter Property is granted with consideration of MECI making reasonable restoration to the property resulting from MECI activities on the property.

b(6) Privacy

Access Denied:

Property Owners Signature

Date

Printed Name

Date

MECI Representative

235B Dooley Rd., Lexington, SC 29073 Telephone (803) 808-2043 • Fax (803) 808-2048

Exhibit 2



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

APR 08 2013

b(6) Privacy

Re: Release status update
Ancrum, 4308 Davison Road, Ravenel
UST Permit #01617
Release reported March 12, 2008
Charleston County

Dear b(6) Privacy:

Per your request, the Underground Storage Tank (UST) Management Division is providing you with an update on environmental conditions and liability associated with the referenced facility and your property located at 4236 Davison Road (tax map #244-00-00-047).

Division records indicate that two USTs were operated at the Ancrum facility to supply gasoline. The tank systems were abandoned by removal on June 1, 2012.

On March 12, 2008, the Division received a report that documented a release of petroleum products at the Ancrum facility. In response, the Division assessed the release on behalf of Publix Oil, the owner/operator of record. Site assessment conducted from 2008 to 2009 confirmed and outlined petroleum contamination in soil and groundwater at the facility. Since 2009, the Division has directing aggressive fluid and vapor recovery and chemical injection in the source area of the release to reduce concentrations of petroleum chemicals of concern. Ground-water sampling will be directed in the near future to obtain current data.

Division records show that two monitoring wells have been installed on your property: MW-10(R) and MW-11 (see enclosed map). The wells were last sampled on April 22, 2009. The sampling data are shown below in parts per billion:

Petroleum Constituent	MW-10	MW-11	Action Level
Benzene	<5	<5	5
Toluene	<5	<5	1,000
Ethylbenzene	<5	<5	700
Xylenes	<10	<10	10,000
MTBE	<5	<5	40
Napthalene	<5	<5	25

Rec'd 4-9-2013
Regular
HAZEL Scott
Telephone: 843-330-0969

EXHIBIT 3

Petroleum Constituent	MW-10	MW-11	Action Level
DCA	<5	<5	0.05
EDB	<0.02	<0.02	0.05

Sampling results show that all CoC are below detection levels. The wells were not located or were inaccessible during subsequent sampling events conducted in 2010 and 2011. The Division did not direct the wells to be sampled in 2013.

The referenced release is qualified to receive funding under the conditions of the SUPERB Act. This means that reasonable costs up to \$1,000,000.00 can be paid by the SUPERB account for site rehabilitation associated with the release. Should remedial costs exceed \$1,000,000.00, Publix Oil, pursuant to state and federal laws, retains responsibility for any additional site rehabilitation and costs associated with the release.

Please note that the Division is not aware of any laws or regulations that prohibit the use or development of properties adjacent to the location of a petroleum release. Should you sell the property, the Division requests that the buyer coordinate with the Division to allow for continued access to conduct necessary site rehabilitation activities.

If you have any questions, feel free to contact me by telephone at (803) 896-6398, by fax at (803) 896-6245, or by e-mail at padgettjp@dech.sc.gov.

Sincerely,



Joel P. Padgett, P.G., Geologist/Hydrologist
Corrective Action Section
Underground Storage Tank Management Division
Bureau of Land and Waste Management

JPP/jpp
01617.2

enc: Site map
cc: Technical file (w/enc)

From: John Strain <johnstrain@sclegal.org>

Sent: Thursday, October 27, 2016 1:13 PM

To: Traynham, Michael

Subject: In re to **b(6) Privacy**

Michael:

Sorry I didn't reach you earlier this week over the phone. You were in a meeting when I tried reaching you on Monday.

I received a copy of a FOIA request Ms. Scott had sent to your office. I've spoken to her about it since receiving it. I also notified Ms. Scott that a FOIA request does not require an agency to create new records or answer questions an individual would like. However, Ms. Scott would like to know what the status is for the removal of the monitoring wells that were placed on her property. It is my understanding that DHEC employees did find one well but the other could not be located. Ms. Scott had offered to clear some an area that was inaccessible but may have been where the 2nd MW was placed. I was told that DHEC would have to come back to remove the first well and see if the second could be located.

When we last spoke, you notified me that Ms. Scott had contacted the EPA complaining that someone had thrown a well in her ditch. Due to complaints such as that, it was difficult to find employees who would be able to assist Ms. Scott. I spoke with Ms. Scott about this after you informed me. It is my understanding she didn't mean to accuse DHEC of having done this but was trying to say she was told by the DHEC employee that had come for the search that someone, unknown to DHEC, must have done this.

At this point, I just wanted to follow up and confirm the status of the search. Was only one well found that hasn't been removed yet and is there going to be a follow up? If you are unable to assist Ms. Scott any further, a written letter summarizing what happened at the previous visit and why there is nothing else to be done would be greatly appreciated.

Thanks again for your time and understanding.

EX/41/PSH

From: Padgett, Joel P.

Sent: Thursday, October 27, 2016 1:47 PM

To: Monts, Lee

Subject: Re: In re to **b(6) Privacy**

Ryan and I found an open borehole at the former location of MW-10. No well debris (i.e. casing , pad, vault) was found. We found no trace of MW-11 despite an exhaustive grid search of the approximate location. During our visit there, Ms. Scott stated to us that someone had thrown a well into her ditch. We assured her that we had no knowledge of this nor would DHEC personnel or DHEC contractors dispose of a well in this manner. We marked the location of the borehole for future action. We would require permission from Ms. Scott for us (DHEC) and our well abandonment contractor to access the property to abandon the borehole.

Joel P. Padgett, P.G.

Geologist/Hydrologist III

UST Management Division

Bureau of Land and Waste Management

S.C. Dept. of Health & Environmental Control

Office: (830) 898-0655

Fax: (803) 898-0673

Email: padgettjp@dhec.sc.gov

Connect: www.scdhec.gov [Facebook](#) [Twitter](#)

EXHIBIT 5

July 01, 2014 (Request)

To: Mr. Jeff Coleman
(or) Who it May Concern
Midlands Environmental Consultants, Inc. (MECI)
Lexington, SC 29073

Dear Mr. Coleman;

The request relates to your (MECI) "Report of Assessment Activities" "Ancrum" in Baulenel, S. C.

MECI project # 08-1991, dated June 2, 2009, SCDHEC Site ID # 01617, CA # 34084. Please provide me with a copy of your "Report of Qualifications", activities and evaluative approaches, based on your understanding of the "Site", project information provided to you, and data obtained in your exploration. Also, a copy of general subsurface conditions utilized based on interpretation of subsurface data between borings.

In your report you reference, "Contents are intended for the sole use by SCDHEC, my request, pursuant to Freedom of Information Act (FOIA), Public Record. Please advise me as-soon-as-possible, as to granting or denying my request.

Thank you for your Assistance

Hazel Scott

1223 York Street, APT 12D
Aiken, SC

Telephone 843-330-0969

E-Mail: riggs12@yahoo.com

Exhibit C

Please find reference letters to the Agency (SCDHEC) as proof of my request for assistance and information as it relates to TMP Number 244-00-00-047.

1. A copy of **b(6) Privacy** letters:

Date: March 26, 2018

March 03, 2017

December 7, 2016, October 11, 2016, August 31, 2016, April 07, 2016 and
March 30, 2016

March 24, 2015;

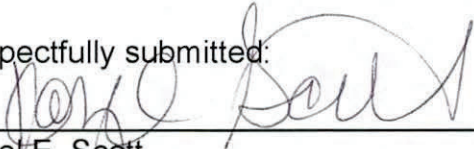
December 17 and 26, 2014 (UPS 7014 0150 0000 3024 2971); August 05 and
14, 2014; June 25, 2014,

October 10, 2013;

This "dirty justice" is unacceptable. Tennessee needs to step up and do the just, fair and right thing by the Harry Holt family. This well of pain must end now! The Holt family has suffered enough

This is no random accident, the old Davison Road Community is predominately Black.

Respectfully submitted:



Hazel E. Scott
Post Office Box 176
Elko, South Carolina 29826

riggs1012@yahoo.com
843-330-0969

Copy to: Special Agent Brown
EPA, Washington DC

EXHIBIT 7



March 29, 2018


[REDACTED] (b)(6) Privacy
[REDACTED]
[REDACTED]
Re: Ancrum, 4308 Davison Road, Ravenel, SC
Release reported March 12, 2008
UST #01617
Charleston County

Dear [REDACTED] (b)(6) Privacy:

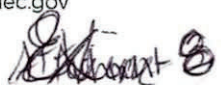
Thank you for your recent correspondence regarding the above-referenced site. As you may recall, agency staff have met with you regarding the petroleum release at the Ancrum facility on multiple occasions, including, most recently, a meeting at the Governor's Office on February 24, 2017 in which we discussed your concerns. At that meeting, DHEC staff proposed to visit your property to determine whether it was possible to sample a drinking water well on the property. Subsequent to that meeting, by correspondence DHEC received on March 3, 2017, you requested that such a visit be postponed until further notice. Since that time, the Department has not received any new information regarding the Ancrum facility and the associated release.

Again, please recall that our staff has repeatedly answered your questions to the fullest extent of their capability, and provided you with all the requested information about the release at the Ancrum facility on multiple occasions. If you have any new information regarding this site, please inform the Department of the same. Should you have other concerns, you may want to consider seeking independent legal or technical advice.

Sincerely,


Michael S. Traynham
Office of General Counsel
SC Department of Health and Environmental Control

Cc: Mihir Mehta, SCDHEC, UST Program



Subject: RE: 01617

From: Truman.Bill@epa.gov

To: riggs1012@yahoo.com

Cc: Hansen.Susan@epa.gov; Buso.Roberto@epa.gov; Singh.Ben@epa.gov

Date: Tuesday, April 24, 2018, 7:54:59 AM EDT

b(6) Privacy,

Thank you for keeping us informed.

Regards,

Bill Truman, Chief

UST/PCB & OPA Enforcement & Compliance Section

AFC

61 Forsyth St.

Atlanta, GA 30303

(404)562-9457

From: hazel burroughs [mailto:riggs1012@yahoo.com]

Sent: Monday, April 23, 2018 3:56 PM

To: Truman, Bill <Truman.Bill@epa.gov>

Subject: RE: 01617

Mr.Truman,

I have asked for an agreement or final agency (SCDHEC) decision

(See Exhibit 8)

Find messages, documents, photos or people

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Compose

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Inbox999+

Unread

Starred

Drafts296

Sent

Archive

Spam

Trash

Less

ViewsHide

📷 Photos

📄 Documents

✈ Travel

✂ Coupons

📑 Purchases

🔍 Tutorials

FoldersShow

Draft Agenda for Your Review & Feedback -- For Proposed EPA Meeting with Ms. Scott on August 16, 2018, 1pm (Atlanta, GA)

Yahoo/Inbox

B

Holtzclaw, Brian <Holtzclaw.Br>

To: hazel burroughs

Cc: Newman, Kerie

Singh, Ben, Truma

Verduin, Jeanette

Aug 13 at 3:49 PM

★

B

Bill Truman

Truman.Bill@epa.gov

(404) 562-9457

Auto generated card visible only to you

Ms. Scott:

Good afternoon. Again, thanks for your patience.

FYI, this afternoon, I just got approval for this draft agenda (see attachment) and a proposed meeting time/date (1pm – 3pm, Thursday, August 16th, 2018). Kindly review the draft agenda and either email me or call me back with any suggestions for improvement. As previously stated, I am currently on a business trip to North Carolina, however, I will have some availability to emails and my cell phone.

Our EPA Team looks forward to your feedback on the draft agenda and meeting you. FYI, I will be securing a meeting room in our EPA Atlanta Office and will be sharing that location with you. I suggest you try to arrive on Thursday, August 16th, between 12:30 and 12:45pm, to account for: 1) the distance of the fee-based parking lot in the rear of our building; 2) for time required for a standard security check-in in the lobby of our Atlanta Federal Center (all persons need to be security screened and share a state-issued identification), and; 3) a check-in at our U.S. EPA lobby on the 9th floor. I'd be happy to escort you, if you call me when you are in the proximity of our building.

I hope to be talking to you soon. Thanks again,

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INITIAL AGENDA FOR PLANNING PURPOSES

Meeting between U.S. Environmental Protection Agency (EPA) and **b(6) Privacy**

Date/Time: August 16, 2018 at 1:00 pm – 3:00 pm, eastern standard time

Location: U.S. EPA Offices, 61 Forsyth Avenue, SW, Atlanta, GA 30303 (Conference room to be determined)

Note: This initial draft agenda is based upon concerns taken from: a letter to the EPA Office of Inspector General from Ms. Scott (dated May 14, 2018) and; EPA staff discussions with Ms. Scott over the past several months.

1. Introduction.

- a. Purpose of meeting, Ground-rules, Opening remarks, and Outline of environmental laws and regulations used at the Ancrum Facility, as well as roles of Federal and State environmental agencies to address Underground Storage Tanks (USTs) issues.

2. Discuss Family's Concerns and Needs to Sell their Vacant **b(6) Privacy**

- a. Family to share current needs for selling property and their concerns about devaluation/diminished value of this property. EPA to discuss recent studies on positive impacts to nearby residential property values when cleanup of environmentally contaminated properties occurs.
- b. Discuss what EPA may be able to provide to assist the owners about the environmental status of their property and about the cleanup work done at the nearby Facility, for the family to have on hand for any prospective buyer.

3. Discuss **b(6) Privacy** human health concerns from living at the **b(6) Privacy** property and EPA to discuss environmental agency approaches to addressing environmental risks

- a. **b(6) Privacy** to share perspectives of historic environmental health concerns (i.e., family health issues) and exposure concerns.
- b. EPA to present an overview of environmental basics and risk basics (i.e., how do chemicals move, elements of risk, exposure pathways, and risk management).
- c. EPA will also discuss a historic summary of specific actions taken by the SCDHEC to address the Ancrum Facility and their respective UST system.

4. **b(6) Privacy** will discuss her viewpoints and concerns about not being informed, as well as delayed communications, and responses regarding the discovery, sampling and interventions regarding the USTs at the adjacent Ancrum Facility.
5. Local redevelopment issues that may have affected drainage at **b(6) Privacy**
6. Closing Remarks, Next Steps